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11 Attorneys for Defendant
 Dun Engineering Services

12 UNITED STATES DISTRICT COURT

13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 F. G. CROSTHWAITE, et al., as Trustees of the
 15 OPERATING ENGINEERS' HEALTH AND
 WELFARE TRUST FUND, et al.

16 Plaintiffs,

17 v.

18 DUN ENGINEERING SERVICES, *aka* DUN
 ENGINEERING SERVICES, INC., a California
 19 corporation; and THOMAS PADILLA, individually,

20 Defendants.

Case No.: C11-1537 TEH

**JOINT CASE MANAGEMENT
 STATEMENT AND REQUEST FOR
 CONTINUANCE**

Date: December 19, 2011
 Time: 1:30 p.m.
 Courtroom: 12, 19th Floor
 450 Golden Gate Avenue
 San Francisco, CA 94102

Judge: Honorable Thelton E. Henderson

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 22
 23 Plaintiffs and Defendant Dun Engineering Services “Dun Engineering” jointly request that
 24 the Case Management Conference currently scheduled for December 19, 2011, at 1:30 p.m., be
 25 continued for approximately 60 – 90 days, as follows:

- 26 1. This action was filed by Plaintiffs for contributions due by Defendants to the Trust
 27 Funds and to compel Defendants to comply with an audit of their payroll records.
 28 2. Shortly after service of the complaint, Defendants complied with the audit. The

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JOINT CASE MANAGEMENT STATEMENT AND REQUEST FOR CONTINUANCE

Case No.: C11-1537 TEH

1 auditor completed analyzing the documents and prepared an audit report.

2 3. Prior to the November 2, 2011 mediation, Defendants made an offer to Plaintiffs,
3 apprising Plaintiffs of Defendants' poor financial condition and intent to discontinue operations.
4 Following a teleconference with the Mediator, the parties (and the Mediator) determined the
5 mediation should not go forward as scheduled, but that Plaintiffs be afforded additional time to
6 review the offer and attempt to negotiate with Defendants directly. Financial documents have
7 been requested from Defendants to support their offer. Plaintiffs are currently awaiting those
8 documentation. The parties intend to negotiate directly and, if necessary, re-set mediation before
9 the appointed Mediator.

10 4. The mediation deadline has been extended by this Court to February 1, 2012.
11 Plaintiffs have requested that Defendant provide certain financial information to support their
12 claim of financial distress for evaluation prior to a new mediation being scheduled.

13 5. Plaintiffs' counsel has a conflict with the December 19, 2011 date in that her firm's
14 Holiday Party is scheduled for the same date and time as the upcoming Case Management
15 Conference. Even if the Court is not inclined to grant the requested continuance, Plaintiffs'
16 counsel requests a continuance of at least 14 days.

17 6. There is nothing to discuss at a Case Management Conference at the present time
18 as the parties are cooperating with one another to move toward resolution.

19 7. We therefore jointly request that the Case Management Conference be continued
20 for 60 – 90 days to allow the parties ample time to negotiate a settlement.

21 Dated: December 8, 2011

SALTZMAN & JOHNSON
LAWCORPORATION

22
23 By: _____/S/_____
Michele R. Stafford
24 Attorneys for Plaintiffs

25 Dated: December 8, 2011

LANG, RICHERT AND PATCH

26 By: _____/S/_____
Matthew W. Quall
27 Attorneys for Defendant
28 Dun Engineering Services

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IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to
February 27, 2012 at 1:30 PM. All related deadlines are extended
accordingly.

Date: 12/12/2011



UNITED STATES DISTRICT JUDGE