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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: February 27, 2012
 Time: 1:30 p.m.
 Courtroom: 12, 19th Floor
 450 Golden Gate Avenue
 San Francisco, CA 94102

Judge: Honorable Thelton E. Henderson

IT IS SO ORDERED AS MODIFIED

23 Plaintiffs and Defendant Dun Engineering Services “Dun Engineering” jointly request that
 24 the Case Management Conference currently scheduled for February 27, 2012, at 1:30 p.m., as well
 25 as the mediation deadline, be 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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PROOF OF SERVICE
 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.

7 4. Financial documents to support Defendants' claim of financial hardship have been
8 recently produced and Plaintiffs are currently reviewing the documentation.

9 5. The mediation deadline has been extended by this Court to February 1, 2012. On
10 January 25, 2012, both parties participated in a mediation conference call and were advised to
11 address the issue of continuing the mediation deadline in this Case Management Conference
12 Statement.

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

15 7. We therefore jointly request that the Case Management Conference, as well as the
16 mediation deadline, be continued for 60 – 90 days to allow the parties ample time to negotiate a
17 settlement.

18 Dated: February 16, 2012

SALTZMAN & JOHNSON
LAWCORPORATION

19
20 By: _____/s/_____
Michele R. Stafford
Attorneys for Plaintiffs

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22 Dated: February 16, 2012

LANG, RICHERT AND PATCH

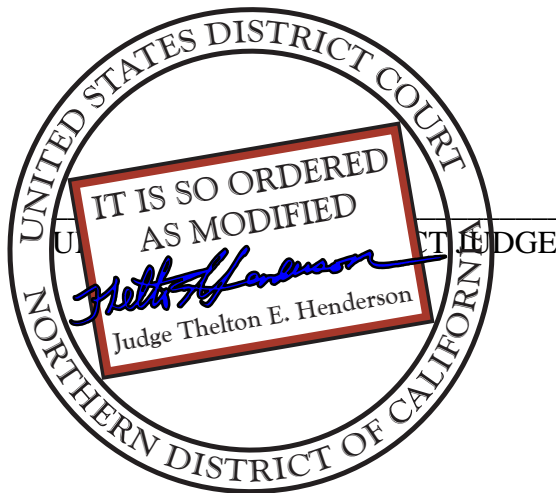
23 By: _____/s/_____
Matthew W. Quall
Attorneys for Defendant
Dun Engineering Services
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1 Pursuant to the parties' stipulation, the currently set Case Management Conference is
2 hereby continued to May 21, 2012, at 1:30 PM. All related deadlines are extended accordingly.

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4 The mediation deadline is also hereby extended to May 1, 2012.

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6 IT IS SO ORDERED.

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8 Date: 02/21/2012



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