

1 Muriel B. Kaplan, Esq. (SBN 124607)
 Michele R. Stafford, Esq. (SBN 172509)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 (415) 882-7900
 4 (415) 882-9287 – Facsimile
mkaplan@sjlawcorp.com
 5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7 Matthew W. Quall, Esq. (SBN 183759)
 LANG, RICHERT AND PATCH
 8 5200 North Palm Avenue, 4th Floor
 Fresno, CA 93704
 9 (559) 228-6700
 (559) 228-6727 – Facsimile
 10 mwq@lrplaw.net

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 TO
 VACATE OR CONTINUE**

Date: June 4, 2012
 Time: 1:30 p.m.
 Courtroom: 12, 19th Floor
 450 Golden Gate Avenue
 San Francisco, CA 94102

Judge: Honorable Thelton E. Henderson

22
 23 Plaintiffs and Defendant Dun Engineering Services “Dun Engineering” jointly request that
 24 the Case Management Conference currently scheduled for June 4, 2012, at 1:30 p.m., be either
 25 vacated or continued for approximately 30 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

JOINT CASE MANAGEMENT STATEMENT AND REQUEST TO VACATE OR CONTINUE

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 were
8 produced by Defendants.

9 5. The matter has now resolved, with a Notice of Settlement filed on or about May 3,
10 2012. The parties are working on settlement documents and expect the documents to be executed
11 and payment made within the next few weeks.

12 6. There is nothing to discuss at a Case Management Conference at the present time.

13 7. We therefore jointly request that the Case Management Conference either be
14 vacated or continued for 30 days to allow the parties to conclude the settlement. Plaintiffs will
15 thereafter dismiss the action with prejudice.

16 Dated: May 22, 2012

SALTZMAN & JOHNSON
LAWCORPORATION

17
18 By: _____/s/_____
Michele R. Stafford
Attorneys for Plaintiffs

19
20 Dated: May 22, 2012

LANG, RICHERT AND PATCH

21 By: _____/s/_____
Matthew W. Quall
Attorneys for Defendant
Dun Engineering Services

22
23
24 IT IS SO ORDERED.

25 The currently set Case Management Conference is hereby vacated / continued to
26 _____ July 9, 2012 _____ at _____ 1:30 p.m. _____. All related deadlines are extended
accordingly.

27 Date: _____ 05/23/2012 _____



UNITED STATES DISTRICT JUDGE