

1 Muriel B. Kaplan, Esq. (SBN 124607)  
 Michele R. Stafford, Esq. (SBN 172509)  
 2 Blake E. Williams, Esq. (SBN 233158)  
 SALTZMAN & JOHNSON LAW CORPORATION  
 3 44 Montgomery Street, Suite 2110  
 San Francisco, CA 94104  
 4 (415) 882-7900 – Telephone  
 (415) 882-9287 – Facsimile  
 5 mkaplan@sjlawcorp.com  
 mstafford@sjlawcorp.com  
 6 bwilliams@sjlawcorp.com

7 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

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Plaintiffs,

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v.

15 JORGE EDGARD QUINONES *dba*  
 PROFESSIONAL CONSTRUCTION  
 16 SERVICES *aka* PCS CONSTRUCTION,

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Defendant.

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Case No.: C11-2632 EMC

**PLAINTIFFS' REQUEST TO VACATE OR  
 CONTINUE CASE MANAGEMENT  
 CONFERENCE; PLAINTIFFS' CASE  
 MANAGEMENT CONFERENCE  
 STATEMENT;  
 [PROPOSED] ORDER THEREON**

Date: March 2, 2012

Time: 9:00 a.m.

Ctrm: 5, 17<sup>th</sup> Floor

Judge: The Honorable Edward M. Chen

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Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
 21 Case Management Conference, currently on calendar for March 2, 2012, be vacated or continued  
 22 for approximately 90 days, pending Plaintiffs' filing their Motion for Summary Judgment.

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1. As the Court's records will reflect, a Complaint was filed in this matter on June 2,  
 24 2011, to compel Defendant's compliance with the terms of its Collective Bargaining Agreement.

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2. Substitute service on Defendant was effectuated on June 20, 2011, and a Proof of  
 26 Service of Summons and Declaration Re Diligence were filed with the Court on June 22, 2011.

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3. On July 27, 2011, the Clerk entered the default of Defendant. On August 11, 2011,  
 28 the parties filed a Stipulation Setting Aside Default, and on August 15, 2011, the Court issued an

**PLAINTIFFS' REQUEST TO VACATE OR CONTINUE  
 CASE MANAGEMENT CONFERENCE**

Case No.: 11-2632 EMC

1 Order setting aside that default.

2 4. On August 18, 2011, Defendant filed an Answer to the Complaint.

3 5. On November 10, 2011, the parties stipulated to Mediation, and on November 10,  
4 2011, the Court issued an Order referring the case to Mediation. On February 13, 2012, the parties  
5 were finally contacted by the appointed Mediator regarding a possible extension of the Mediation  
6 deadline as the matter apparently “fell through the cracks” in the ADR office. I advised the  
7 Mediator that counsel for defendant Quinones had advised me several times the he/his client are  
8 “too busy” to focus on the litigation. Due to the Defendant’s disinterest, Plaintiffs do not  
9 anticipate resolution through Mediation. Accordingly, Plaintiffs have commenced preparation of a  
10 Motion for Summary Judgment which they anticipate filing with the Court within the next forty-  
11 five to sixty days.

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1           6.       There are no issues that need to be addressed at the currently scheduled Case  
2 Management Conference. In the interest of conserving costs as well as the Court's time and  
3 resources, Plaintiffs respectfully request that the Case Management Conference, currently  
4 scheduled for March 2, 2012, be vacated, or in the alternative be continued to either coincide with  
5 the date to be set for the Motion or continued for 90 days to allow filing and disposition of the  
6 Motion.

7           I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
8 entitled action, and that the foregoing is true of my own knowledge.

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10       Dated: February 23, 2012

SALTZMAN & JOHNSON  
LAW CORPORATION

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By: /S/Michele R. Stafford  
Michele R. Stafford  
Attorneys for Plaintiffs

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IT IS SO ORDERED.

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16           Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
17 Management Conference is hereby vacated.

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*or*

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19           Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
20 Management Conference is hereby continued to 6/29/12 at 9:00 a.m.. All related  
21 deadlines are extended accordingly.

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Date: 2/28/12

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THE HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT COURT JUDGE

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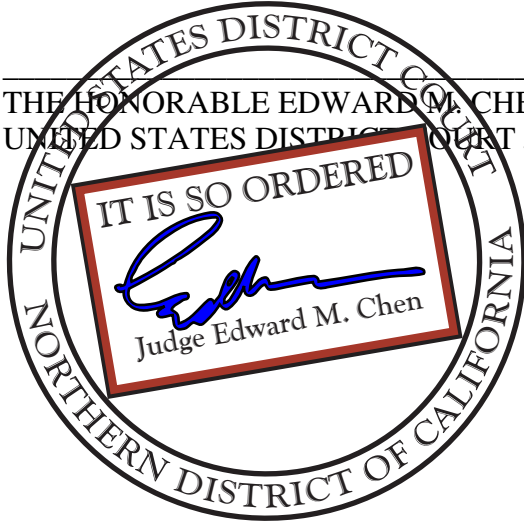
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PLAINTIFFS' REQUEST TO VACATE OR CONTINUE  
CASE MANAGEMENT CONFERENCE

Case No.: 11-2632 EMC

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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On February 23, 2012, I served the following documents:

**PLAINTIFFS' REQUEST TO VACATE OR CONTINUE CASE MANAGEMENT  
CONFERENCE; PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT;  
[PROPOSED] ORDER THEREON**

on the interested parties in said action by First Class U.S. Mail, by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Ari J. Lauer, Esq.  
Law Offices of Ari J. Lauer  
500 Ygnacio Valley Road, Suite 325  
Walnut Creek, California 94596**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 23rd day of February 2012, at San Francisco, California.

/S/ Vanessa de Fábrega  
Vanessa de Fábrega