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7
 8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, and its JOINT
 11 BOARD OF TRUSTEES; LES PROTEAU and
 CHARLES DEL MONTE, TRUSTEES;

12 Plaintiffs,

13 v.

14 SPECTRUM PAINTING & DECORATING,
 15 INC., a California Corporation, *aka*
 SPECTRUM PAINTING; and DAVID MIN
 16 HANG CHAN, individually,

17 Defendants.

Case No.: C11-2850 SC

**REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE;
 DECLARATION OF MURIEL B. KAPLAN
 IN SUPPORT THEREOF**

Date: December 9, 2011
 Time: 10:00 a.m.
 Ctrm: 1, 17th Floor
 450 Golden Gate Avenue
 San Francisco, California 94102
 Judge: The Honorable Samuel Conti

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 19 Plaintiffs respectfully request that the Case Management Conference scheduled for
 20 December 9, 2011, at 10:00 a.m., be continued for approximately sixty (60) days, as follows:

21 1. A Complaint was filed in this action on June 10, 2011, and served thereafter, to
 22 compel an audit of Defendants’ records by Plaintiffs.

23 2. Thereafter, Defendants did schedule the audit with the Funds’ auditor, who
 24 reviewed some necessary documents, but awaited receipt from Defendants of further information.
 25 All documents have now been received.

26 3. The auditor analyzed the documents and produced a draft audit report, which was
 27 sent to Defendants for review. Defendants had ten (10) days to oppose the audit findings and
 28

1 provide documentation in support. Defendants did not oppose the report, and as a result, on
2 October 21, 2011, the report was finalized and sent to the fund administrator for billing.

3 4. On October 26, 2011, Plaintiffs sent a demand letter to Defendants for payment on
4 the audit. Defendants responded by stating that their May 2011 contribution payment was not
5 credited, and provided documentation to confirm that partial payment had been made, subsequent
6 to the auditor's review. The fund administrator has recently verified receipt of the partial
7 payment.

8 5. Once the audit report is revised and finalized, Defendants will have the option to
9 either (1) pay the amounts found due on the revised audit in full or (2) request a payment plan.

10 6. Therefore, there is nothing for the Court to consider at this time, and Plaintiffs
11 respectfully request that the Court continue the Case Management Conference for a period of sixty
12 (60) days to allow sufficient time (considering the intervening holidays) for the audit report to be
13 revised, the matter to be resolved between the parties, or for Plaintiffs' filing of a Motion for
14 Summary Judgment.

15 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above-
16 entitled action, and that the foregoing is true to the best of my knowledge and belief.

17 Executed this 1st day of December, 2011 at San Francisco, California.

18 SALTZMAN & JOHNSON
19 LAW CORPORATION

20 By: _____/s/_____
21 Muriel B. Kaplan
22 Attorneys for Plaintiffs

23 IT IS SO ORDERED.

24 The Case Management Conference in this action is hereby continued to March 9,
25 2012. All related deadlines are extended accordingly.

26
27 Dated: 12/2/2011

28 
UNITED STATES DISTRICT JUDGE