| 1<br>2<br>3<br>4<br>5<br>6<br>7 | RICHARD C. JOHNSON (SBN 40881) SHAAMINI A. BABU (SBN 230704) JULIE A. OSTIL (SBN 215202) SALTZMAN & JOHNSON LAW CORPORATION 44 Montgomery Street, Suite 2110 San Francisco, CA 94104 (415) 882-7900 (415) 882-9287 – Facsimile djohnson@sjlawcorp.com sbabu@sjlawcorp.com jostil@sjlawcorp.com Attorneys for Plaintiffs | ON   |
|---------------------------------|---|--|
| 8                               | UNITED STATES DISTRICT COURT  |  |
| 9                               | FOR THE NORTHERN DISTRICT OF CALIFORNIA   |  |
| 10                              |   |  |
| 11                              | PENSION TRUST FUND FOR OPERATING ENGINEERS; F.G. CROSTHWAITE and  | Case No.: C 11-3161 TEH                                  |
| 12                              | RUSSELL E. BURNS, as Trustees,  | REQUEST TO CONTINUE CASE<br>MANAGEMENT CONFERENCE AND    |
| 13                              | Plaintiffs,   | EXTEND LAST DAY TO FILE<br>STIPULATION TO ADR PROCESS OR |
| 14                              | vs.   | NOTICE OF NEED FOR ADR PHONE                             |
| 15                              | WESTERN TRACTION COMPANY II, INC.,  | CONFERENCE; [ <del>PROPOSED</del> ] ORDER<br>THEREON     |
| 16                              | a California corporation, PHOENIX MACHINERY SERVICES CORP., a   | Date: October 24, 2010                                   |
| 17                              | California corporation, and DOES 1-20   | Time: 1:30 p.m. Courtroom 12, 19th Floor                 |
| 18                              | Defendants,   | Judge: The Honorable Thelton E. Henderson                |
| 19                              | Plaintiffs herein respectfully request that the Case Management Conference currently on calendar  |  |
| 20                              | for October 24, 2011 at 1:30p.m., be continued, due to default being entered on Defendants, and in  |  |
| 21                              | anticipation of Plaintiffs filing a Motion for Default Judgment.  |  |
| 22                              | 1. This action arises under the Employee Retirement Income Security Act of 1974   |  |
| 23                              | ("ERISA"), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C  |  |
| 24                              | §§1001-1461 (1982)), to recover withdrawal liability amounts owed by Defendants Western   |  |
| 25                              | Traction Company II, Inc., a California corporation, and Phoenix Machinery Services Corp., a  |  |
| 26                              | California corporation (collectively "Defendants") to Plaintiffs Pension Trust Fund for Operating   |  |
| 27                              | Engineers, F.G. Crosthwaite, and Russell E. Burns (collectively "Plaintiffs").  |  |
| 28                              | REQUEST TO CONTINU  | -1-<br>UE AND EXTEND; [PROPOSED] ORDER THEREON           |

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3161 TEH

Case No.: C 11-

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| 2  | 2. On August 8, 2011 Plaintiffs filed a request for Entry of Default against Defendants              |  |
| 3  | for failure to plead or otherwise defend or appear in this action (Docket No.: 14).                  |  |
| 4  | 3. Default was entered on Defendants on August 10, 2011 (Docket No.: 15).                            |  |
| 5  | 4. Plaintiffs are currently preparing a Motion for Default Judgment, which they                      |  |
| 6  | anticipate filing with the Court within the next thirty (30) days.                                   |  |
| 7  | 5. There are no issues that need to be addressed at the currently scheduled Case                     |  |
| 8  | Management Conference. In the interest of conserving costs as well as the Court's time and           |  |
| 9  | resources, Plaintiffs respectfully request that the Case Management Conference, currently            |  |
| 10 | scheduled for October 24, 2011, and all related dates, be continued for 120 days. Plaintiffs further |  |
| 11 | request that the deadline to file either Stipulation to ADR Process or Notice of Need for ADR        |  |
| 12 | Phone Conference be extended alongside the continuance of the Case Management Conference.            |  |
| 13 | I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above            |  |
| 14 | entitled action, and that the foregoing is true of my own knowledge.                                 |  |
| 15 |  |  |
| 16 | Executed this 27th day of September, 2011, at San Francisco, California.                             |  |
| 17 | SALTZMAN & JOHNSON LAW CORPORATION   |  |
| 18 |  |  |
| 19 | By: /S/ Julie A. Ostil   |  |
| 20 | Attorneys for Plaintiffs   |  |
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|    | PEOUEST TO CONTINUE AND EXTEND: IPPOPOSEDI ORDER THEREON   |  |

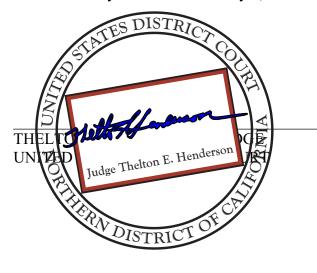
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**ORDER** 

Based on the foregoing, and good cause appearing, the currently set Case Management Conference is hereby continued to January 23, 2012 at 1:30 p.m. All related case management deadlines are extended accordingly. The last day to file either a Stipulation to ADR Process or Notice of Need for ADR Phone Conference is hereby extended to January 3, 2012.

IT IS SO ORDERED.

Dated: 09/27/2011



-3