

1 MARION QUESENBERRY, State Bar No. 72308
 RYNN & JANOWSKY, LLP
 2 P.O. Box 20799
 Oakland, CA 94620
 3 Telephone: (510) 705-8894
 Facsimile: (510) 705-8737
 4 E-mail: marion@rjlaw.com

5 Attorneys for Plaintiffs
 Berti Produce – San Francisco, Inc.; Edwin Chin
 6 dba New City Fruit & Produce; Jacobs, Malcolm & Burtt;
 North Bay Produce, Inc.; Washington Vegetable Company;
 7 What A Tomato Produce Company, Inc.; and Coosemans
 San Francisco, Inc.

8
 9
 10 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 BERTI PRODUCE – SAN FRANCISCO,
 12 INC.; EDWIN CHIN dba NEW CITY FRUIT
 & PRODUCE; JACOBS, MALCOLM &
 13 BURTT; NORTH BAY PRODUCE, INC.;
 WASHINGTON VEGETABLE COMPANY;
 14 WHAT A TOMATO PRODUCE COMPANY,
 INC.; and COOSEMANS SAN FRANCISCO,
 15 INC.,

CASE NO. C11-03546 MEJ

**SUPPLEMENTAL CASE
 MANAGEMENT CONFERENCE
 STATEMENT & REQUEST TO
 CONTINUE CMC**

**CMC Date: January 12, 2012
 CMC Time: 10:00 a.m.
 CMC Place: Ctrm. B, 15th Floor
 San Francisco**

16 Plaintiffs,

17 v.

18 ROBERT SBRAGIA; JOHN SBRAGIA;
 STEVEN SBRAGIA; and PATRICIA CINI
 19 aka PATTI CINI,

20 Defendants.

21
 22 Plaintiffs BERTI PRODUCE – SAN FRANCISCO, INC., EDWIN CHIN dba NEW
 23 CITY FRUIT & PRODUCE, JACOBS, MALCOLM & BURTT, NORTH BAY PRODUCE,
 24 INC., WASHINGTON VEGETABLE COMPANY, WHAT A TOMATO PRODUCE

LAW OFFICES
 RYNN & JANOWSKY, LLP
 P.O. BOX 20799
 OAKLAND, CALIFORNIA 94620
 (510) 705-8894
 FAX (510) 705-8737

1 COMPANY, INC., and COOSEMANS SAN FRANCISCO, INC. (jointly “Plaintiffs”)
2 respectfully file this Case Management Conference Statement.

3 **A.**

4 **STATUS & REQUEST FOR CONTINUANCE**

5 **1. Jurisdiction & Service:**

6 As Plaintiffs’ complaint states, this Court has jurisdiction of this case pursuant to the
7 Perishable Agricultural Commodities Act [7 U.S.C. § 499e(c)(5)] and pursuant to 28 U.S.C. §
8 1331. This Court also has supplemental jurisdiction over all other claims, as they form part of
9 the same case or controversy. 28 U.S.C. § 1367(a).

10 On July 19, 2011, Plaintiffs filed their complaint in this matter. On September 13, 2011,
11 Plaintiffs filed an amended complaint, which added a new Plaintiff, Coosemans San Francisco,
12 Inc.

13 Thereafter, in late October 2011, Plaintiffs served the four Defendants. [See Affidavits of
14 Service, ECF docket #s 10-13]. They have not yet responded to the First Amended Complaint,
15 because Defendants’ attorney – Lawrence Jacobson – requested additional time to respond to the
16 Complaint, which Plaintiffs agreed to, and to discuss settlement, discussions which are on-going.
17 In addition, because of the holidays and the settlement discussions, Plaintiffs have not pushed for
18 a response.

19 **2. Request for Continuance:**

20 As noted above, Defendants recently retained counsel who requested additional time to
21 respond to the Complaint, which Plaintiffs agreed to, and to discuss settlement. Consequently, to
22 give the parties time to continue settlement discussions, to provide Defendants’ counsel an
23 opportunity to respond to the First Amended Complaint, and to insure that Defendants’ attorney
24 is adequately prepared for and may participate in the Case Management Conference, Plaintiffs

1 respectfully request that the Case Management Conference be continued for 45 days. The Court
2 previously granted a 60 day continuance.

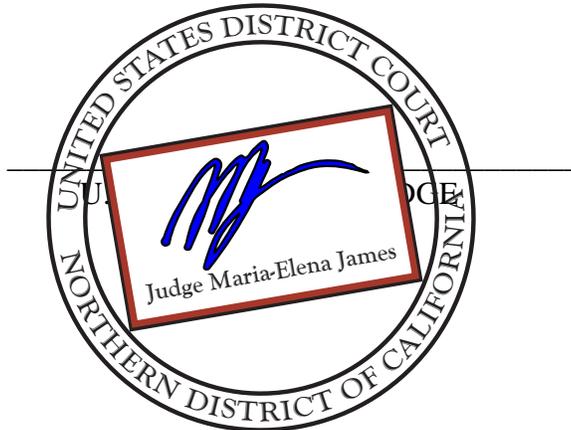
3 Date: October 20, 2011

By: /s/ Marion I. Quesenbery

4 Marion I. Quesenbery
5 Attorneys for Plaintiffs
6 Berti Produce – San Francisco, Inc.; Edwin Chin
7 dba New City Fruit & Produce; Jacobs, Malcolm &
8 Burt; North Bay Produce, Inc.; Washington
9 Vegetable Company; What A Tomato Produce
10 Company, Inc.; and Coosemans San Francisco, Inc.

9 **IT IS SO ORDERED. The Case Management Conference is continued to**
10 **10:00 a.m.,**
11 **March 1, 2012, at ~~10:30~~ a.m., in Courtroom B, 15th Floor, San Francisco. The CMC**
12 **Statement due by 2/23/12.**

12 Date: January 6, 2012



LAW OFFICES
RYNN & JANOWSKY, LLP
P.O. BOX 20799
OAKLAND, CALIFORNIA 94620
(510) 705-8894
FAX (510) 705-8737