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8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.

Case No.: C11-4188 CRB

11 Plaintiffs,

**PLAINTIFFS' CASE MANAGEMENT
 STATEMENT and;
 REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER THEREON**

12 v.

13 MGM DRYWALL, INC., a California
 14 Corporation, and MIGUEL GUILLEN
 RAMIREZ *aka* MIGUEL RAMIREZ
 15 GUILLEN, an individual,

Date: February 10, 2012

Time: 8:30 a.m.

Ctrm: 8, 19th Floor, San Francisco

Judge: Honorable Charles R. Breyer

16 Defendants.

17 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the
 18 Case Management Conference, currently on calendar for February 10, 2012, be continued for
 19 approximately 60 days.

20 1. As the Court's records will reflect, this action was filed on August 24, 2011.
 21 Service on Defendants was effectuated on November 17, 2011, and A Proof of Service of
 22 Summons on was filed with the Court on November 21, 2011. Defendants failed to plead or
 23 otherwise respond to the lawsuit, and the Clerk entered default as to both Defendants on December
 24 16, 2011.

25 2. The parties have been in almost constant contact to discuss resolution of this
 26 matter. At Defendants request, Plaintiffs prepared a draft Judgment Pursuant to Stipulation
 27 ("Stipulation") providing for a twelve month payment plan relative to all amounts due and owing
 28 to Plaintiffs and emailed and mailed said Stipulation Defendants on December 12, 2011. In

1 response, Defendants paid the delinquent contributions, but refused to sign the Stipulation.

2 3. Plaintiffs' counsel has advised Defendants of the remainder due for liquidated
3 damages, interest, and attorneys' fees and costs and requested payment of those amounts on
4 multiple occasions, but Defendants have failed to respond. Most recently, on January 24, 2011, I
5 sent a letter to Defendants requesting that Defendants pay the remainder due within ten days of the
6 date of the letter. To date, Defendants have not responded.

7 4. Should Defendants fail to either promptly submit payment in full, or enter into a
8 payment plan for the remainder due, Plaintiffs anticipate preparing a Motion for Default Judgment
9 and filing said Motion with the Court.

10 5. Accordingly, Plaintiffs respectfully request that the Case Management Conference,
11 currently scheduled for February 10, 2012, be continued for 60 days to allow time for Defendants
12 to pay the remainder due, or in the alternative, for Plaintiffs to prepare, serve and file their Motion.

13 6. There are still no issues that need to be addressed by the parties at the currently
14 scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's
15 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
16 Case Management Conference.

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

19 Executed this 2nd day of February, 2012, at San Francisco, California.

20 SALTZMAN & JOHNSON
21 LAW CORPORATION

22 By: _____ /S/
23 Michele R. Stafford
24 Attorneys for Plaintiffs

25 IT IS SO ORDERED.

26 The currently set Case Management Conference is hereby continued to April 24 at
27 8:30a., and all previously set deadlines and dates related to this case are continued accordingly.

28 Date: February 6, 2012

THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT

