

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

6 Attorneys for Plaintiffs

7
 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;
 [REPROPOSED] ORDER THEREON**

12 v.

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

Date: June 22, 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 June 22, 2012, be continued for
 19 approximately 60 to 90 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. The Court continued the previous Case Management Conference to allow time for
3 Defendants to submit payment of the interest and attorneys' fees and costs to Plaintiffs, which
4 they advised Plaintiffs that they would do on or before April 15, 2012.

5 4. Since then, Defendants submitted payment in full for the interest and attorneys'
6 fees and costs incurred through May 8, 2012 in two payments, which were received by Plaintiffs'
7 counsel on April 16, 2012, and May 15, 2012, respectively. Plaintiffs are now considering whether
8 to waive all or a portion of the liquidated damages that remain due, or whether Defendants should
9 be liable for the full amount. In addition, Plaintiffs requested that Defendants submit to an audit of
10 Defendants' payroll records in order to confirm proper reporting and payment of contributions for
11 the time period December 1, 2010 through the date of inspection.

12 5. Before Plaintiffs can dismiss this matter it is imperative that Plaintiffs have the
13 opportunity to ensure that all contributions due by Defendants have been properly reported and
14 paid. Thus, Plaintiffs have decided to exercise their rights under the Collective Bargaining
15 Agreement and Trust Agreements to conduct and audit of Defendants' payroll records. This audit
16 should take place within the next thirty days. A notice requesting an audit was sent to Defendants
17 on May 15, 2012. Defendants have yet to respond.

18 6. Accordingly, Plaintiffs respectfully request that the Case Management Conference,
19 currently scheduled for June 22, 2012, be continued for 60 to 90 days to allow time for Defendants
20 to comply with the audit, and for Plaintiffs to determine whether a waiver of liquidated damages is
21 approved.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 7. There are still no issues that need to be addressed by the parties at the currently
2 scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's
3 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
4 Case Management Conference.

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

7 Executed this 14th day of June 2012, at San Francisco, California.

8 SALTZMAN & JOHNSON
9 LAW CORPORATION

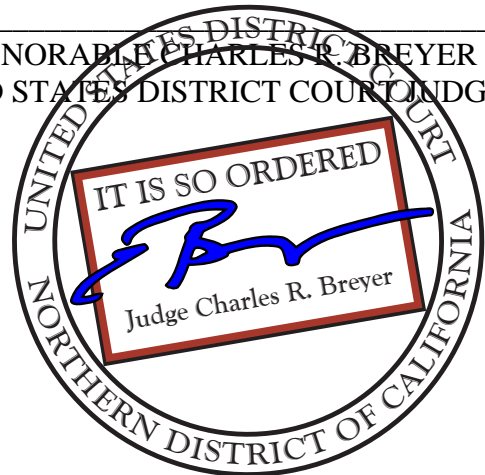
10 By: _____/S/
11 Blake E. Williams
Attorneys for Plaintiffs

12 IT IS SO ORDERED.

13 The currently set Case Management Conference is hereby continued to 8/24/2012 at
14 8:30 a., and all previously set deadlines and dates related to this case are continued accordingly.

15 Date: June 18, 2012

16 _____
17 THE HONORABLE CHARLES R. BREYER
18 UNITED STATES DISTRICT COURT JUDGE



28