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6 Attorneys for Plaintiffs

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

10 F.G. CROSTHWAITE, et al.  
 11 Plaintiffs,  
 12 v.  
 13 FREMONT PAVING COMPANY, INC., a  
 California Corporation, et al.,  
 14 Defendants.  
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Case No.: C11-4417-JSW

**PLAINTIFFS’ CASE MANAGEMENT  
 CONFERENCE STATEMENT and  
 REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE;  
 [PROPOSED] ORDER THEREON**

Date: December 16, 2011  
 Time: 1:30 p.m.  
 Ctrm: 11, 19<sup>th</sup> Floor  
 Judge: Honorable Jeffrey S. White

17 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
 18 Case Management Conference, currently on calendar for December 16, 2011, be continued for  
 19 approximately 60 – 90 days.

20 1. As the Court’s records will reflect, this action was filed on September 6, 2011, to  
 21 compel Defendants to comply with their Collective Bargaining Agreement.

22 2. As the Court’s records will further reflect, service of process on Defendants was  
 23 effectuated as follows: Fremont Paving Company and Ellen Marie Lebon were served on  
 24 September 12, 2011; Donald Allen Lebon was served on September 14, 2011; Joseph James  
 25 Lebon was served on October 7, 2011. Proofs of Service of Summons were filed with the Court  
 26 on October 4, 2011 (Dkt. #9) and October 7, 2011 (Dkt. #11).

27 3. Since then, the parties have been in contact. Robert E. Carey, Jr., of Carey & Carey  
 28 Law Corporation advised Plaintiffs’ counsel that he was retained to represent the Defendants in

1 this matter, and requested an extension of time to answer or otherwise respond to the Complaint,  
2 to November 18, 2011. Plaintiffs' counsel granted that request, and executed a Stipulation to that  
3 effect on October 12, 2011. Since then, Plaintiffs' counsel granted Defendants an additional  
4 extension of time to answer or otherwise respond to the Complaint.

5 4. Defendants were unaware of the extent of their debt to the Trust Funds as the  
6 individual responsible for payment of Trust Fund contributions had been systematically converting  
7 the contributions for her own use. The parties are working together to ascertain the extent of the  
8 embezzlement, pursue prosecution of the individual responsible and work out a method for the  
9 contributions to be paid. Due to this unusual fact pattern, discovery is being done informally and  
10 cooperatively.

11 5. There are no issues that need to be addressed at the currently scheduled Case  
12 Management Conference. In the interest of conserving costs as well as the Court's time and  
13 resources, Plaintiffs respectfully request that the Case Management Conference, currently  
14 scheduled for December 16, 2011, be continued for 60-90 days to allow time for Defendants to file  
15 their Answer.

16 Dated: December 9, 2011

SALTZMAN & JOHNSON  
LAW CORPORATION

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By: \_\_\_\_\_/S/  
Michele R. Stafford  
Attorneys for Plaintiffs

20 IT IS SO ORDERED.

21 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
22 Management Conference is hereby continued to April 6, 2012 at 1:30 p.m.. All related  
23 deadlines are extended accordingly.

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Date: December 14, 2011

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE