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11 Attorneys for Defendant Fremont Paving Company, Inc.

12 UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 F.G. CROSTHWAITE, et al.  
 15 Plaintiffs,  
 16 v.  
 17 FREMONT PAVING COMPANY, INC., a  
 California Corporation, et al.,  
 18 Defendants.

Case No.: C11-4417-JSW

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

Date: June 29, 2012  
 Time: 1:30 p.m.  
 Ctrm: 11, 19<sup>th</sup> Floor  
 Judge: Honorable Jeffrey S. White

21 Plaintiffs and Defendant Fremont Paving Company, Inc. herein respectfully submit their  
 22 Joint Case Management Statement, requesting that the Case Management Conference, currently  
 23 on calendar for June 29, 2012, be continued for approximately 30 days.

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

26 2. As the Court’s records will further reflect, service of process on Defendant Fremont  
 27 Paving Company, Inc. was effectuated on September 12, 2011. A Proof of Service of Summons  
 28 was filed with the Court on October 4, 2011 (Dkt. #9).

1           3.       Robert E. Carey, Jr., Esq. of Carey & Carey Law Corporation appeared on behalf  
2 of Defendant Fremont Paving Company, and filed a Stipulation to Extend The Time Within  
3 Which Defendants May Answer or Otherwise Respond to The Complaint (Dkt. #12) with the  
4 Court on October 12, 2011. Plaintiffs granted additional extensions of time for Defendant Fremont  
5 Paving Company to respond to the Complaint thereafter.

6           4.       Plaintiffs filed their First Amended Complaint on April 5, 2012 (Dkt. #19).

7           5.       Service of process on Defendant Brittany Danielle Lebon was effectuated on April  
8 11, 2012, and a Proof of Service of Summons was filed with the Court on April 17, 2012 (Dkt.  
9 #21).

10          6.       On May 8, 2012, the Court entered the default of Defendant Brittany Danielle  
11 Lebon (Dkt. #25). To date, Defendant Brittany Danielle Lebon has failed to plead or otherwise  
12 defend or appear in this action. Therefore, Plaintiffs are currently preparing a Motion for Default  
13 Judgment as to Brittany Danielle Lebon, which they anticipate filing with the Court promptly.

14          7.       Plaintiffs and Defendant Fremont Paving Company have been in continuous  
15 negotiations regarding possible settlement by payment plan, and require an additional 30 days to  
16 determine whether an agreement can be reached. Should the matter fail to settle within that time  
17 period, Plaintiffs intend to file a Motion for Summary Judgment as to Defendant Fremont Paving  
18 Company, Inc.

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1 8. There are no issues that need to be addressed at the currently scheduled Case  
2 Management Conference. In the interest of conserving costs as well as the Court's time and  
3 resources, Plaintiffs respectfully request that the Case Management Conference, currently  
4 scheduled be continued for 30 days.

5 Dated: June 21, 2012

SALTZMAN & JOHNSON  
LAW CORPORATION

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

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9 Dated: June 21, 2012

CAREY & CAREY, A LAW  
CORPORATION

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By: \_\_\_\_\_ /S/  
Robert E. Carey, Jr.  
Attorneys for Defendant Fremont Paving  
Company, Inc.

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14 IT IS SO ORDERED.

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Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
Management Conference is hereby continued to August 3, 2012 at 1:30 p.m. All related  
deadlines are extended accordingly.

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Date: June 22, 2012

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE

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