

1 PHILIP M. MILLER (SBN 87877)
 2 KIMBERLY A. HANCOCK (SBN 205567)
 3 SALTZMAN & JOHNSON LAW CORPORATION
 4 44 Montgomery Street, Suite 2110
 5 San Francisco, CA 94104
 Telephone: (415) 882-7900
 Facsimile: (415) 882-9287
pmiller@sjlawcorp.com
khancock@sjlawcorp.com

6 Attorneys for Plaintiffs

7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 SERVICE EMPLOYEES INTERNATIONAL
 10 UNION NATIONAL INDUSTRY PENSION
 11 FUND; STEPHEN ABRECHT, Trustee;
 12 RODERICK S. BASHIR, Trustee; KEVIN J.
 13 DOYLE, Trustee; DAVID A. STILWELL,
 14 Trustee; STEVEN W. FORD, Trustee; LARRY
 T. SMITH, Trustee; FRANK A. MAXSON,
 15 Trustee; EDWARD MANKO, Trustee; JOHN J.
 SHERIDAN, Trustee; and MYRIAM
 16 ESCAMILLA, Trustee,
 17
 Plaintiffs,
 vs.
 18 U.S. METRO GROUP, INC., a California
 19 corporation,
 20
 Defendant.

CASE NO.: CV 11-05711 MEJ

**STIPULATION FOR CONTINUANCE
 OF CASE MANAGEMENT
 CONFERENCE AND [PROPOSED]
 ORDER**

Date: Thursday, May 24, 2012
 Time: 10:00 a.m.
 Judge: Chief Magistrate Judge
 Maria-Elena James
 Courtroom B, 15th Floor
 450 Golden Gate Ave.
 San Francisco, CA

21 IT IS HEREBY STIPULATED by and between the parties hereto as follows:

- 22 1. The Complaint in this matter was filed on November 29, 2012 for Defendant's failure
 23 to pay employee pension contributions owing to Plaintiff Service Employees
 24 International Union National Industry Pension Fund (Dkt No. 1).
- 25 2. On February 15, 2012, Defendant U.S. Metro Group, Inc. executed a Waiver of the
 26 Service of Summons. On February 23, 2012, the executed Waiver of Service of
 27 Summons was filed with the Court (Docket No. 4). Pursuant to the filed Waiver of
 28 Service of Summons, Defendant's response to the Complaint was due by April 16,
 2012.

- 1 3. On March 5, 2012, the Plaintiffs filed a Request for Continuance of Case
2 Management Conference to allow the parties to settle the matter (Dkt. No. 7).
3 4. On March 6, 2012, the Court ordered the initial case management conference
4 continued for 60 days to May 24, 2012 (Dkt No. 9).
5 5. On March 6, 2012, the Defendant filed its Answer to the Complaint (Dkt. No. 11).
6 6. On April 30, 2012, the parties filed a Stipulation to ADR, selecting the mediation
7 process, to occur within 90 days of the Court's order (Dkt. No. 15).
8 7. On April 30, 2012, the Court entered its Order for Mediation to occur within 90 days
9 (by July 30, 2012) (Dkt No. 16).
10 8. The parties are currently in settlement discussion concerning the Defendant's
11 liability to the Pension Fund. To facilitate settlement of the matter, the Defendant
12 agreed to submit to an audit of its payroll records for the period of the contribution
13 delinquencies, from 2005 through the present, which audit is currently in progress.
14 9. Upon finalization of the audit, the parties expect to have completed mediation by the
15 July 30, 2012 deadline and to have reached a settlement of this matter.
16 10. Therefore, there is nothing for the Court to consider at this time.
17 11. The parties therefore respectfully request that, in order to minimize costs and fees in
18 this action and allow settlement of this matter, the Case Management Conference be
19 continued for a period of at least sixty (60) days.

20 Dated: May 10, 2012 SALTZMAN & JOHNSON LAW CORPORATION
21 By: _____/S/
22 Kimberly A. Hancock
23 Attorneys for Plaintiffs

24 Dated: May ____, 2012 LAW OFFICES OF A. J. NORTON
25 By: _____
26 Aura J. Norton, III
27 Attorneys for Defendant

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- 3. On March 5, 2012, the Plaintiffs filed a Request for Continuance of Case Management Conference to allow the parties to settle the matter (Dkt. No. 7).
- 4. On March 6, 2012, the Court ordered the initial case management conference continued for 60 days to May 24, 2012 (Dkt No. 9).
- 5. On March 6, 2012, the Defendant filed its Answer to the Complaint (Dkt. No. 11).
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- 7. On April 30, 2012, the Court entered its Order for Mediation to occur within 90 days (by July 30, 2012) (Dkt No. 16).
- 8. The parties are currently in settlement discussion concerning the Defendant's liability to the Pension Fund. To facilitate settlement of the matter, the Defendant agreed to submit to an audit of its payroll records for the period of the contribution delinquencies, from 2005 through the present, which audit is currently in progress.
- 9. Upon finalization of the audit, the parties expect to have completed mediation by the July 30, 2012 deadline and to have reached a settlement of this matter.
- 10. Therefore, there is nothing for the Court to consider at this time.
- 11. The parties therefore respectfully request that, in order to minimize costs and fees in this action and allow settlement of this matter, the Case Management Conference be continued for a period of at least sixty (60) days.

Dated: May __, 2012

SALTZMAN & JOHNSON LAW CORPORATION

By: _____
Kimberly A. Hancock
Attorneys for Plaintiffs

Dated: May 10, 2012

LAW OFFICES OF A. J. NORTON
By: _____
Aura J. Norton, III
Attorneys for Defendant

1 IT IS SO ORDERED.

2 Based on the foregoing, and for GOOD CAUSE appearing, the Case Management
3 Conference currently set for Thursday, May 24, 2012 at 10:00 a.m. is hereby continued to
4 August 2, 2012 at 10:00 a.m. If the parties settle the case prior to the August 2, 2012 CMC
5 date they shall notify the Court immediately.

6 Date: May 11, 2012

7 The Honorable Maria-Elena James
8 Chief Magistrate
9 United States District Court



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