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13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 (SAN FRANCISCO DIVISION)

16 AUTOMOTIVE INDUSTRIES PENSION
 TRUST FUND, JAMES H. BENO, Trustee,
 17 BILL BRUNELLI, Trustee, STEPHEN J.
 MACK, Trustee, CHRIS CHRISTOPHERSEN,
 18 Trustee, DON CROSATTO, Trustee, MARK
 HOLLIBUSH, Trustee, JON ROSELLE,
 19 Trustee, DOUG CORNFORD, Trustee, and
 JAMES V. CANTERBURY, Trustee,

20 Plaintiffs,

21 v.

22 CROWN CHEVROLET, a California
 corporation; PATRICK M. COSTELLO, an
 23 individual; FLUID MAINTENANCE
 EXPERTS, INC., a California corporation, and
 24 DOES 1-10,

25 Defendants.
 26

Case No.: CV 12-0265 SI

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT;
 (PROPOSED) ORDER**

Date: July 20, 2012
 Time: 3:00 p.m.
 Courtroom: 10, 19th Floor
 Judge: Honorable Susan Illston

**Complaint filed: January 18, 2012
 Trial Date: June 24, 2013**

27 In accordance with Northern District Local Rule 16-10(d), plaintiffs and defendant Patrick
 28 M. Costello submit this Joint Case Management Conference Statement, in advance of the further

1 Case Management Conference scheduled for July 20, 2012.

2 **1. Parties.**

3 Plaintiffs are the Automotive Industries Pension Trust Fund (“the Trust Fund”) and its
4 Trustees. Plaintiffs brought this action under ERISA as amended by the Multiemployer Pension
5 Plan Amendments Act of 1980 (“MPPAA”) to recover withdrawal liability and damages for
6 alleged improper transfers of corporate assets.

7 Defendants are Crown Chevrolet, Inc., Fluid Maintenance Experts, Inc., and Patrick M.
8 Costello. Defendants Crown Chevrolet and Fluid Maintenance Experts were served and failed to
9 respond. Crown’s default was entered on March 1, 2012; Fluid Maintenance Experts’ default was
10 entered on April 3, 2012. Patrick M. Costello was served and filed his Answer to Complaint on
11 March 28, 2012, denying liability.

12 **2. Current Schedule.**

13 On May 4, 2012, the Court held the Initial Case Management Conference (Pretrial
14 Minutes, Dkt #22) and set the following schedule:

- 15 7/20/12 Further Case Management Conference, 3:00 p.m.
- 16 8/31/12 Deadline for adding new parties and for plaintiffs to file motions
for default judgment
- 17 11/30/12 Discovery cutoff
- 18 1/11/13 Expert designation
- 19 2/15/13 Rebuttal experts
- 20 3/22/13 Expert discovery cutoff
- 21 5/3/13 Hearing on dispositive motion, 9:00 a.m.
(Motion due 3/29/13, Opposition 4/12/13 Reply 4/19/13)
- 22 6/11/13 Pretrial Conference, 3:30 p.m.
- 23 6/24/13 Trial, 8:30 a.m. (COURT: 3 Days)

24 **3. Progress Since Initial Case Management Conference.**

25 The plaintiffs and defendant Patrick Costello participated in a mediation session on June
26 18, 2012. The case did not settle. The parties do not believe that further ADR proceedings would
27 be useful at this time.

28 Plaintiffs have been engaged in third party discovery for the purpose of determining whether

1 to add parties. Plaintiffs are still considering whether to do so. The deadline for adding parties is
2 August 31, 2012. Plaintiffs will also propound discovery to defendant Patrick Costello.

3 Plaintiffs are attempting to secure a stipulation for entry of judgment from Crown
4 Chevrolet and Fluid Maintenance, Inc., the defendants who are in default. If a stipulated judgment
5 is not possible, plaintiffs will file motions for default judgment as to these two defendants on or
6 before the deadline of August 31, 2012.

7 **4. Proposal for Remainder of Case Development Process**

8 The parties do not propose any changes to the current schedule at this time, but request that
9 the Court set a further Case Management Conference on October 12, 2012, at 3:00 p.m., or on
10 such other date in approximately 90 days as is convenient to the Court.

11 Dated: July 13, 2012.

SALTZMAN & JOHNSON LAW
CORPORATION

13 By: /s/ Anne M. Bevington
14 Anne M. Bevington
Attorneys for Plaintiffs

15 Dated: July 13, 2012.

WENDEL, ROSEN, BLACK & DEAN LLP

17 By: /s/ Stephen McKae
18 Stephen McKae
Attorneys for Defendant
Patrick M. Costello

19 **ORDER**

20 The Court having considered the Joint Case Management Statement of the parties, a
21 further Case Management Conference is set for 9/14, 2012, at 3:00 p.m., in
22 Courtroom 10, 19th Floor, at 3:00 p.m.

23 IT IS SO ORDERED.

24 DATED: 7/16, 2012.


25 HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE