

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
 Tel: (415) 882-7900
 4 Facsimile: (415) 882-9287
mstafford@sjlawcorp.com
bwilliams@sjlawcorp.com
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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., as Trustees of
 the OPERATING ENGINEERS' HEALTH
 11 AND WELFARE TRUST FUND, et al.

Case No.: C12-0327 SI

**REQUEST TO EXTEND TIME FOR
 SERVICE [F.R.C.P. 4(m); L.R. 6-3];
 DECLARATION OF BLAKE E.
 WILLIAMS IN SUPPORT THEREOF**

12 Plaintiffs,

13 v.

14 SIERRA EQUIPMENT RENTAL, INC., a
 California corporation; and MEL WEIR,
 15 individually,

16 Defendants.

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18 Plaintiffs respectfully request that the Court, under Federal Rules of Civil Procedure Rule
 19 4(m) and Northern District of California Civil Local Rule 6-3, issue an Order extending the time
 20 for service of the Summons and Complaint on Defendants SIERRA EQUIPMENT RENTAL,
 21 INC., a California corporation, and MEL WEIR, an individual, for approximately sixty (60) days,
 22 as follows:

23 1. A Complaint was filed in this action on January 20, 2012, to compel Defendants'
 24 compliance with the terms of their Collective Bargaining Agreement by submitting payment for
 25 contributions they reported as due for work performed by their employees during the months of
 26 September through November 2011.

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1 2. Defendants, through their counsel, indicated that they would like to enter into a two
2 year payment plan, with payments starting in April 2012. Because of the substantial amount of
3 debt and the length of the payment plan, Plaintiffs' Trustees rejected the request.

4 3. Due to the uncertainty of recovery, the Complaint, Summons, and all applicable
5 court documents were ultimately sent out for service on Defendants on March 20, 2012.

6 4. On March 30, 2012, an attempt at service of the Complaint and Summons on
7 Defendants at the Glenn, California address was unsuccessful. [*See Request to Extend Time for*
8 *Service, Docket No. 10, Exhibit A*]

9 5. Plaintiffs then contacted Defendants' counsel to ask if he would accept service of
10 the Summons and Complaint. He stated that he does not have the authority to accept service on
11 behalf of his clients.

12 6. Upon research, Plaintiffs discovered an alternative address for Defendant Mel
13 Weir, located in Greenbrae, California. However, upon further research, Plaintiffs discovered the
14 address belongs to another business called Cash Flow Express, Inc. [*See Request to Extend Time*
15 *for Service, Docket No. 10, Exhibit C, D*]

16 7. Pursuant to Plaintiffs' request, a private investigator conducted a search on a valid
17 address to serve Defendants, and found one address for the agent for service of process for Sierra
18 Equipment Rental, Inc., and another address for Mel Weir. The process server is in the process of
19 attempting to serve Defendants at those alternate addresses.

20 8. If Defendants cannot be located within thirty (30) days, Plaintiffs will attempt to
21 serve Defendants by publication or by other means necessary.

22 9. Plaintiffs are still in the process of attempting to serve Defendants. Pursuant to
23 F.R.Civ.P. 4(m), Plaintiffs have 120 days from the date the complaint was filed to serve
24 Defendants. The time period to serve Defendants expires today. Plaintiffs will need more time to
25 serve Defendants. If personal service cannot be completed, then substitute service will be
26 attempted, and service will not be completed until ten (10) days after mailing.

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10. Therefore, Plaintiffs respectfully request that the Court issues an Order extending the time for service of the Complaint and Summons for a period of sixty (60) days in order to allow Plaintiffs ample time to complete service on Defendants.

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

Executed this 18th day of July, 2012 at San Francisco, California.

SALTZMAN & JOHNSON
LAWCORPORATION

By: _____/s/_____
Blake E. Williams
Attorneys for Plaintiffs

IT IS SO ORDERED.

The time limit for service of the Complaint and Summons in this action is hereby extended to 9/14, 2012.

Dated: 7/19/12



UNITED STATES DISTRICT COURT