

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
 5

6 Attorneys for Plaintiffs
 7

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.

12 Plaintiffs,

13 v.

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

16 Defendants.
 17

Case No.: C12-0327 SI

**REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE; and**

**REQUEST TO EXTEND TIME FOR
 SERVICE [F.R.C.P. 4(m); L.R. 6-3];**

**DECLARATION OF BLAKE E.
 WILLIAMS IN SUPPORT THEREOF**

Date: September 20, 2012
 Time: 2:30 p.m.
 Ctrm: 10, 19th Floor
 450 Golden Gate Avenue
 San Francisco, California 94102
 Judge: The Honorable Susan Illston

19
 20 Plaintiffs respectfully request that (1) the Case Management Conference scheduled for
 21 September 20, 2012, at 2:30 p.m., be continued for approximately ninety (90) days, and (2) the
 22 Court, under Federal Rules of Civil Procedure Rule 4(m) and Northern District of California Civil
 23 Local Rule 6-3, issue an Order extending the time for service of the Summons and Complaint, as
 24 follows:

25 1. A Complaint was filed in this action on January 20, 2012, to compel Defendants'
 26 compliance with their obligations under the Collective Bargaining Agreement to which they are
 27 signatory.
 28

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

Case No.: C12-0327 SI

1 2. In or about January 2012, Defendants, through their counsel, indicated that they
2 would like to enter into a two year payment plan, with payments starting in April 2012.
3 Defendants owe over \$175,000.00. Because of the substantial amount of debt and the length of
4 the payment plan, Plaintiffs' Trustees rejected the request.

5 3. On March 20, 2012, the Complaint, Summons, and all applicable court documents
6 were sent out for service on Defendants.

7 4. Defendants' counsel stated that he was not authorized to accept service on behalf of
8 his clients. Therefore, Plaintiffs attempted to serve Defendants at their place of business, but
9 Defendants had moved out the prior month. *See Request to Extend Time for Service, docket no.*
10 *10, ¶4, Exhibit A.*

11 5. Plaintiffs also attempted to serve Defendants at an alternate address, but that
12 address was also invalid. *See Request to Extend Time for Service, docket no. 10, ¶8, Exhibit D.*

13 6. Defendant Sierra Equipment Rental, Inc. was served on July 25, 2012 through their
14 agent for service of process. Plaintiffs recently received the proof of service from the process
15 server and will be filing it with the Court today. However, the individual Defendant, Mel Weir,
16 could not be located.

17 7. Further efforts were made by contacting a private investigator to conduct a search
18 on a valid address to serve Defendant Weir. Plaintiffs are in the process of completing service by
19 substitution on a residential address researched by the investigator. Three attempts have been
20 made, with the fourth attempt being made either today or tomorrow. However, service will not be
21 deemed completed until ten (10) days after the mailing of the Complaint and Summons.

22 8. In addition, Plaintiffs are pursuing leads for personal service in the city of Chico,
23 California.

24 9. Once Defendants are served, Plaintiffs will immediately request entry of default
25 and file a Motion for Default Judgment.

26 10. The last day to serve Defendants is September 14, 2012. Therefore, Plaintiffs
27 request that the Court issue an Order extending the time for service of the Complaint and
28

1 Summons for a period of twenty-one (21) days in order to allow Plaintiffs to complete substitute
2 service on Defendant Weir.

3 11. There is nothing for the Court to consider at this time, and Plaintiffs also
4 respectfully request that the Court continue the Case Management Conference for a period of
5 ninety (90) days to allow sufficient time to serve Defendants, to allow time for Defendants' to
6 respond to the Complaint, and for the preparation of the Motion for Default Judgment.

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

9 Executed this 10th day of September, 2012 at San Francisco, California.

10 SALTZMAN & JOHNSON
11 LAW CORPORATION

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

14 IT IS SO ORDERED.

15 The time limit for service of the Complaint and Summons in this action is hereby extended
16 to Oct. 5 _____, 2012; and

17 The Case Management Conference in this action is hereby continued to Dec. 14 _____,
18 2012. All related deadlines are extended accordingly.

19 Dated: 9/11/12 _____

20 
UNITED STATES DISTRICT JUDGE