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4	Tel: (415) 882-7900 Facsimile: (415) 882-9287			
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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 of the OPERATING ENGINEERS' HEALTH	Case No.: C12	-0327 SI	
11	AND WELFARE TRUST FUND, et al.	<b>REQUEST TO CONTINUE CASE</b> <b>MANAGEMENT CONFERENCE;</b>		
12	Plaintiffs,	DECLARAT	ION OF BLAKE E. ION OF BLAKE E.	
13	V.	Date:		
14	SIERRA EQUIPMENT RENTAL, INC., a California corporation; and MEL WEIR,	Time:	May 4, 2012 2:30 p.m.	
15	individually,	Ctrm:	10, 19th Floor 450 Golden Gate Avenue	
16	Defendants.	Judge:	San Francisco, California 94102 The Honorable Susan Illston	
17		J		
18	Plaintiffs respectfully request that the Case Management Conference scheduled for May 4,			
19	2012, at 2:30 p.m., be continued for approximately 60 – 90 days, as follows:			
20	1. A Complaint was filed in this action on January 20, 2012, to compel Defendants'			
21	compliance with their obligations under the Collective Bargaining Agreement to which they are			
22	signatory.			
23	2. In or about January 2012, Defendants, through their counsel, indicated that they			
24	would like to enter into a two year payment plan, with payments starting in April 2012.			
25	Defendants owe over \$175,000.00. Because of the substantial amount of debt and the length of			
26	the payment plan, Plaintiffs' Trustees rejected the request.			
27	3. On March 20, 2012, the Complaint, Summons, and all applicable court documents			
28	were sent out for service on Defendants.			
	-1- REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE Case No.: C12-0327 SI			
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1	4. Plaintiffs contacted Defendants' counsel to accept service. However, Defendants'
2	counsel stated that he was not authorized to accept service on behalf of his clients. Plaintiffs also
3	attempted to serve Defendants at their place of business, but Defendants had moved out the prior
4	month. Plaintiffs are currently researching a residential address for service.

5 5. The last day to serve Defendants is May 19, 2012. If Plaintiffs cannot locate
6 Defendants by that date, Plaintiffs will file a Request to Extend Time for Service.

7 6. Therefore, there is nothing for the Court to consider at this time, and Plaintiffs
8 respectfully request that the Court continue the Case Management Conference for a period of 60 –
9 90 days to allow sufficient time to serve Defendants, and to allow time for Defendants' to respond
10 to the Complaint. If the Court is not inclined to grant such an extension, Plaintiffs request that the
11 Case Management Conference currently scheduled for May 4, 2012, be continued for one week
12 because Plaintiff's counsel will be out of town that day.

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.

**15** Executed this 23rd day of April, 2012 at San Francisco, California.

## SALTZMAN & JOHNSON LAWCORPORATION

By: /s/\_\_\_\_\_\_ Blake E. Williams Attorneys for Plaintiffs

21 IT IS SO ORDERED.

Dated: <u>4/25/12</u>

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The Case Management Conference in this action is hereby continued to <u>July 20</u>

**23** 2012. All related deadlines are extended accordingly.

UNITED STATES DISTRICT JUDGE

-2-REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE Case No.: C12-0327 SI