

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  
 (415) 882-7900  
 4 (415) 882-9287–Facsimile  
[mstafford@sjlawcorp.com](mailto:mstafford@sjlawcorp.com)  
 5 [bwilliams@sjlawcorp.com](mailto:bwilliams@sjlawcorp.com)

6 Attorneys for Plaintiffs

7  
 8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS  
 PENSION TRUST FUND, et al.,

11 Plaintiffs,

12 v.

13 JIMMY CHARLES WINCHESTER,  
 14 individually and *dba* JIMS PAINTING &  
 PAPERING SERVICE *aka* JIMS PAINTING,

15 Defendant.

Case No.: C12-0994 CRB

**PLAINTIFFS' REQUEST FOR  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE; and  
~~PROPOSED~~ ORDER THEREON**

Date: Friday, June 8, 2012

Time: 8:30 a.m.

Ctrm: 6, 17th Floor

450 Golden Gate Avenue

San Francisco, California

Judge: The Honorable Charles R. Breyer

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 18 Plaintiffs respectfully request that the Case Management Conference scheduled for June 8,  
 19 2012, at 8:30 a.m., be continued for approximately sixty (60) days, as follows:

20 1. As the Court's records will reflect, this action was filed on February 27, 2012 to  
 21 compel Defendant to submit payment for amounts found due on an audit of their payroll records  
 22 during the period of August 1, 2008 through June 30, 2011, and to submit contribution reports and  
 23 payments for the months of July 2011 through December 2011. Service on Defendant was  
 24 completed on March 11, 2012. A Proof of Service of Summons was filed with the Court on  
 25 March 21, 2012. [*Docket No. 9.*]

26 2. On May 30, 2012, the Clerk of the Court contacted this office to inquire about the  
 27 status of the case. Plaintiffs stated that we expect to file a Motion for Default Judgment within  
 28 sixty (60) days.

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 REQUEST TO CONTINUE CMC  
 Case No.: C12-0994 CRB

1           3.       On or about March 29, 2012, Defendant sent a letter to Plaintiffs' counsel to refute  
2 the findings of the audit. He stated that he had paid the travel time and gas mileage portion of the  
3 audit along with the wages. Plaintiffs contacted the fund auditor regarding this issue and are in the  
4 process of contacting Defendant for proof of payment.

5           4.       Accordingly, Plaintiffs herein respectfully request that the Case Management  
6 Conference, currently scheduled for June 8, 2012, be continued for sixty (60) days to allow  
7 Defendant ample time to submit the requested additional documents, the fund auditor to revise the  
8 report (if applicable), and allow Defendant a chance to pay, if necessary. If no payment is  
9 received, Plaintiffs will file a Motion for Default Judgment.

10          5.       There are no issues that need to be addressed by this Court at the currently  
11 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
12 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled  
13 Case Management Conference.

14 Dated: May 31, 2012

**SALTZMAN & JOHNSON  
LAW CORPORATION**

15  
16 By: \_\_\_\_\_ /s/  
17 Blake E. Williams  
18 Attorneys for Plaintiffs

19 IT IS SO ORDERED.

20           Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
21 Management Conference is hereby continued to August 10, 2012, and all related deadlines are  
22 extended accordingly.

23 Date: May 31, 2012

24 THE HONORABLE CHARLES R. BREYER  
25 UNITED STATES DISTRICT COURT



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