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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

Case No.: C12-0994 CRB

15 Plaintiffs,

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

16 v.

17 JIMMY CHARLES WINCHESTER,
 18 individually and *dba* JIM'S PAINTING &
 19 PAPERING SERVICE *aka* JIM'S PAINTING,

Date: Friday, August 10, 2012

Time: 8:30 a.m.

Ctrm: 6, 17th Floor

450 Golden Gate Avenue

San Francisco, California

Judge: The Honorable Charles R. Breyer

20 Defendant.

21 Plaintiffs respectfully request that the Case Management Conference currently scheduled
 22 for August 10, 2012, at 8:30 a.m., be continued for approximately 30 – 60 days, as follows:

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

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

4 3. On or about March 29, 2012, Defendant sent a letter to Plaintiffs' counsel to refute
5 the findings of the audit. He stated that he had paid the travel time and gas mileage portion of the
6 audit along with the wages. Plaintiffs contacted Defendant for proof of payment.

7 4. Defendant finally submitted the requested documentation within the past few days,
8 and Plaintiffs are in the process of forwarding it to the fund auditor. Once the fund auditor
9 receives the documents, she will have to review and, if necessary, revise the audit report.

10 5. Plaintiffs want to be certain of the amount Defendant owes on the audit before
11 filing a Motion for Default Judgment.

12 6. Accordingly, Plaintiffs herein respectfully request that the Case Management
13 Conference, currently scheduled for August 10, 2012, be continued for 30 – 60 days to allow the
14 fund auditor sufficient time to review the additional documentation, revise the report (if
15 applicable), and allow Defendant a chance to pay, if necessary. If no payment is received,
16 Plaintiffs will file a Motion for Default Judgment.

17 7. There are no issues that need to be addressed by this Court at the currently
18 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
19 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
20 Case Management Conference.

21 Dated: August 2, 2012

**SALTZMAN & JOHNSON
LAW CORPORATION**

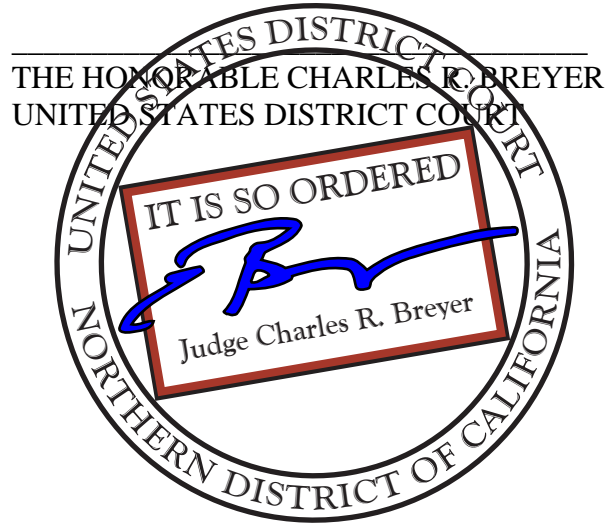
22 By: _____ /s/
23 Blake E. Williams
24 Attorneys for Plaintiffs

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1 IT IS SO ORDERED.

2 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
3 Management Conference is hereby continued to October 12, 2012 at 8:30 a.m. and all related
4 deadlines are extended accordingly.

5 Date: August 6, 2012



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PROOF OF SERVICE:

I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On **August 2, 2012**, I served the following document(s) on the parties to this action in the manner described below:

PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE; and [PROPOSED] ORDER THEREON

XX **MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses as specified below, in a sealed envelope fully prepared.

To:

**Jimmy Charles Winchester
individually and dba Jim's Painting & Papering Service
aka Jim's Painting
9849 East Jahant Road
Acampo, California 95220**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 2nd day of August, 2012, at San Francisco, California.

/s/
Qui X. Lu