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UNITED STATES DISTRICT COURT

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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* JIM'S PAINTING &
 PAPERING SERVICE *aka* JIM'S PAINTING,

15 Defendant.

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Case No.: C12-0994 CRB

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

Date: Friday, October 12, 2012

Time: 8:30 a.m.

Ctrm: 6, 17th Floor

450 Golden Gate Avenue

San Francisco, California

Judge: The Honorable Charles R. Breyer

18 Plaintiffs respectfully request that the Case Management Conference currently scheduled
 19 for October 12, 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
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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 Defendant for proof of payment.

4 4. Defendant finally submitted the requested documentation in late July. The Trust
5 Funds' auditor has been working with Defendant to make final determinations as to the amounts
6 due and compile a final draft of the audit correctly detailing the amounts Defendant owes the Trust
7 Funds.

8 5. Defendant has recently indicated to Plaintiffs that he will be willing to enter into a
9 payment plan with Plaintiffs once the audit is completed, though the details of the payment plan
10 have not been finalized at this time.

11 6. Accordingly, Plaintiffs herein respectfully request that the Case Management
12 Conference, currently scheduled for October 12, 2012, be continued for sixty (60) days to allow
13 for the audit to be completed and a payment plan to be finalized with Defendant. If an agreement
14 as to a payment plan cannot be reached, Plaintiffs will file a Motion for Default Judgment.

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

19 Dated: October 5, 2012

**SALTZMAN & JOHNSON
LAW CORPORATION**

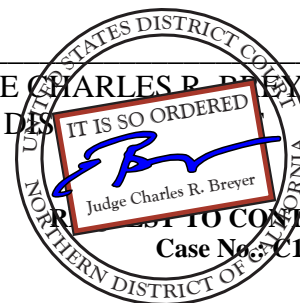
By: _____ /s/
Blake E. Williams
Attorneys for Plaintiffs

23 IT IS SO ORDERED.

24 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
25 Management Conference is hereby continued to Dec. 14, 2012 at 8:30, and all related deadlines are
26 extended accordingly.

27 Date: October 9, 2012

28 THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT



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