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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 PENSION TRUST FUND FOR OPERATING
 ENGINEERS; F.G. CROSTHWAITE and
 11 RUSSELL E. BURNS, as Trustees,

Case No.: C 12-01056 JSW

12 Plaintiffs,

**REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 ALL RELATED DEADLINES;
 13 ~~PROPOSED~~ ORDER THEREON**

13 vs.

14 TRACTOR EQUIPMENT SALES, INC., a
 California corporation, et al., and DOES 1-20

Date: May 6, 2013
 Time: 1:30 p.m.
 Courtroom 11, 19th Floor
 Judge: The Honorable Jeffrey S. White

15 Defendants.
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 18 Plaintiffs herein respectfully request that the Case Management Conference currently on
 19 calendar for May 6, 2013, 1:30 p.m., and all related deadlines, including ADR deadlines, be
 20 continued for 90 days.

21 1. Good Cause exists for the request: This action arises under the Employee
 22 Retirement Income Security Act of 1974 (“ERISA”), as amended by the Multiemployer Pension
 23 Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability
 24 amounts owed by Tractor Equipment Sales, Inc. and its controlled group members to plaintiffs
 25 Pension Trust Fund for Operating Engineers, F.G. Crosthwaite, and Russell E. Burns
 26 (“Plaintiffs”).

27 2. On March 1, 2012, plaintiffs filed a Complaint in this matter. (Dkt. #1)
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1 3. Service was effectuated on defendants Tractor Equipment Sales, Inc., a California
2 corporation, J.L. White International, Inc., a California corporation, and TES Asset Management
3 and Consulting Group, a California joint venture, by personal service on Jim White, authorized
4 agent and/or officer for each defendant on April 9, 2012. A proof of service was filed on April 19,
5 2012. (Dkt. # 10)

6 4. Defendant Tractor Equipment Sales, a California corporation, filed a Chapter 7
7 Bankruptcy in the U.S. Bankruptcy Court, Northern District of California, on May 14, 2012. On
8 June 7, 2012, plaintiffs filed a Notice of Automatic Stay Under 11 U.S.C. Section 362 as to
9 defendant Tractor Equipment Sales, Inc. only. (Dkt. #15) Further, plaintiffs' counsel made an
10 appearance at the Meeting of Creditors wherein plaintiffs' counsel conferred with counsel for
11 defendant Tractor Equipment Sales, a California corporation and the Bankruptcy Trustee.

12 5. On May 29, 2012, plaintiffs filed their first request that the Case Management
13 Conference scheduled on June 22, 2012, and all of its associated deadlines, be continued for 60
14 days in anticipation of plaintiffs filing a Request for Entry of Default against Defendant TES Asset
15 Management and Consulting Group, a California joint venture and/or amending the complaint to
16 add new defendants. (Dkt. 12)

17 6. On May 30, 2012, the Motion to Continue Case Management was granted by the
18 Court and the Case Management Conference was continued to August 24, 2012 at 1:30 pm. (Dkt.
19 #13)

20 7. On June 19, 2012, plaintiffs filed a Notice of Voluntary Dismissal of Defendant
21 J.L. White International, Inc. only. (Dkt. 16)

22 8. On July 25, 2012, plaintiffs filed a Request for Default of TES Asset Management
23 and Consulting Group, a California joint venture, only. (Dkt. # 17)

24 9. On July 30, 2012, plaintiffs filed their second request that the Case Management
25 Conference scheduled on August 24, 2012, and all of its associated deadlines, be continued for 90
26 days in anticipation of plaintiffs filing a Motion for Default as to defendant TES Asset
27 Management and Consulting Group, a California joint venture. (Dkt. # 18)

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1 10. On August 1, 2012, the Motion to Continue Case Management was granted by the
2 Court and the Case Management Conference was continued to December 7, 2012 at 1:30 pm.
3 (Dkt. # 22)

4 11. On October 30, 2012, Plaintiffs received an Order from the bankruptcy court
5 granting a document production that occurred on December 11-12, 2013 (the earliest available
6 date for debtor's bankruptcy counsel). Defendants' produced voluminous financial documents.

7 12. On November 7, 2012, plaintiffs filed their third request that the Case Management
8 Conference scheduled on December 7, 2012, and all of its associated deadlines, be continued for
9 90 days in anticipation of defendants producing financial documents in the bankruptcy proceeding.
10 (Dkt. # 24)

11 13. On November 8, 2012, the Motion to Continue Case Management was granted by
12 the Court and the Case Management Conference was continued to February 15, 2013 at 1:30 pm.
13 (Dkt. # 25)

14 14. On January 11, 2013, plaintiffs filed a Notice of Voluntary Dismissal of Defendant
15 TES Asset Management & Consulting, only, based on information produced during the
16 bankruptcy proceeding. (Dkt. 26)

17 15. On January 30, 2013, plaintiffs filed their fourth request that the Case Management
18 Conference scheduled on February 15, 2013, and all of its associated deadlines, be continued for
19 90 days since no defendants appeared in this action. (Dkt. # 27)

20 16. On January 30, 2013, the Motion to Continue Case Management was granted by
21 the Court and the Case Management Conference was continued to May 3, 2013 at 1:30 pm. (Dkt.
22 #28).

23 17. On March 28, 2013, pursuant to the Clerk's Notice, the Initial Case Management
24 Conference was rescheduled to Monday, May 6, 2013 at 1:30 p.m. due to budget reductions
25 caused by sequestration.

26 18. After conducting an extensive document review, Plaintiffs' counsel determined that
27 they will file a First Amended Complaint adding new parties Steven and Rena Van Tuyl, the
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ORDER

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to August 9, 2013 at 1:30 p.m. All related deadlines, including ADR deadlines, are extended accordingly.

Date: April 15, 2013



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE