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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

F. G. CROSTHWAITE, et al., as Trustees of the
 OPERATING ENGINEERS' HEALTH AND
 WELFARE TRUST FUND, et al.

Plaintiffs,

v.

ROSS ISLAND SAND & GRAVEL CO., a
 California corporation, *aka* ROSS ISLAND,
 INC.,

Defendant.

Case No.: C12-1464 JSW

**REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE;
 PROPOSED ORDER THEREON**

Date: May 6, 2013
 Time: 1:30 p.m.
 Location: Courtroom 11, 19th Floor
 450 Golden Gate Avenue
 San Francisco, California
 Judge: Honorable Jeffrey S. White

Plaintiffs herein respectfully request that the Case Management Conference currently on calendar for May 6, 2013 at 1:30 p.m. be continued for sixty (60) days as follows:

1. As the Court's records will reflect, this action was filed on March 23, 2012 to compel Defendant's compliance with the terms of their Collective Bargaining Agreement. Service on Defendant was completed on March 30, 2012. A Proof of Service of Summons was filed with the Court on April 12, 2012. [*Docket No. 9.*]

2. On May 16, 2012, default was entered against Defendant in this matter. [*Docket No. 12.*]

3. On July 17, 2012, Plaintiffs filed a Motion for Default Judgment. [*Docket Nos. 17-22*]

4. On August 24, 2012, this Court issued an Order Denying Motion for Default Judgment. [*Docket No.* 27]. Plaintiffs have reviewed the Order and have amended the Complaint to address the pleading insufficiency referenced in the Order.

5. Plaintiffs filed and served the Amended Complaint on December 7, 2012. [*Docket No.* 32]. A Request for Entry of Default on the Amended Complaint has been prepared and will be filed concurrently with this Request.

6. As explained in the last Case Management Conference Statement, Plaintiffs had begun preparing a Motion for Default Judgment on the Amended Complaint, which was anticipated to be filed with the Court in early April, 2013. During preparation of the Motion, Plaintiffs were contacted by Defendant, who inquired about resolving this matter. Plaintiffs provided a breakdown of all amounts due, and Defendant made a lump sum payment of over \$194,000, which paid the bulk of the amounts claimed. Plaintiffs have now provided Defendant with a breakdown of all amounts that remain, advising that a waiver of liquidated damages would be recommended in the event that everything else was paid in full. In response, Defendant posed questions about the interest calculations, and Plaintiffs are now preparing a further breakdown relative to interest calculation only. Plaintiffs are optimistic that the remainder due will be paid forthwith, thus resolving the entire action. If this does not occur, Plaintiffs will complete the Motion as to amounts remaining due and file it as originally anticipated.

7. There are no issues that need to be addressed at the currently scheduled conference.

8. Accordingly, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for May 6, 2013, be continued for sixty (60) days to allow Plaintiffs sufficient time for the disposition of the Motion for Default Judgment.

9. Plaintiffs recognize that a case management conference statement is due seven days in advance of the case management conference date and that the statement must include all elements requested in the “Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement” pursuant to Local Rule 16-9. Should this Court require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

I declare under penalty of perjury that the foregoing is true and correct of my own personal knowledge and if called upon to testify, I could competently testify thereto.

Executed this 25th day of April, 2013, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

_____/s/_____
Michele R. Stafford
Attorneys for Plaintiffs

IT IS SO ORDERED:

The Case Management Conference shall be continued to July 12, 2013 at 1:30 p.m. and all other previously set dates shall be vacated, and reset at that time as necessary.

Dated: April 30, 2013



UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **April 26, 2013**, I served the following document(s):

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; PROPOSED ORDER THEREON

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and First Class mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and mailed as follows:

**Ross Island Sand & Gravel Co.
aka Ross Island, Inc.
c/o National Registered Agents, Inc.
2875 Michelle Drive, Suite 100
Irvine, California 92606**

**Ross Island Sand & Gravel Co.
aka Ross Island, Inc.
P.O. Box 82249
Portland, Oregon 97282**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **April 26, 2013**, at San Francisco, California.

_____/S/
Elise Thurman
Paralegal