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8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

12 Plaintiffs,

13 v.

14 MERHAV DEVELOPMENT, INC., a  
 California corporation, *dba* SOUTHERN  
 15 CALIFORNIA EARTHWORK,

16 Defendant.

Case No.: C12-2725 SI

**REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE;  
 DECLARATION OF MURIEL B. KAPLAN  
 IN SUPPORT THEREOF**

Date: September 7, 2012  
 Time: 2:30 p.m.  
 Ctrm: 10, 19th Floor  
 450 Golden Gate Avenue  
 San Francisco, California 94102  
 Judge: The Honorable Susan Illston

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18 Plaintiffs respectfully request that the Case Management Conference scheduled for  
 19 September 7, 2012, at 2:30 p.m., be continued for approximately 60 – 90 days, as follows:

20 1. A Complaint was filed in this action on May 29, 2012 to compel Defendant's  
 21 compliance with its obligations under the Collective Bargaining Agreement to which it is  
 22 signatory.

23 2. On May 30, 2012, the Complaint, Summons, and all applicable court documents  
 24 were sent out for service on Defendant.

25 3. An attempt was made at the address for the agent for service of process indicated  
 26 on the Secretary of State website. However, the address is a location of a P.O. box. Another  
 27 attempt was made at the address listed on Defendant's letterhead, which turned out to be another  
 28 P.O. box.

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4. Plaintiffs are now in contact with an investigator to research a viable physical address to serve Defendant.

5. The last day to serve Defendant is September 26, 2012. If Plaintiffs cannot locate Defendant by that date, Plaintiffs will file a Request to Extend Time for Service.

6. Therefore, there is nothing for the Court to consider at this time, and Plaintiffs respectfully request that the Court continue the Case Management Conference for a period of 60 – 90 days to allow sufficient time to serve Defendant, and to allow time for Defendant to respond to the Complaint.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above-entitled action, and that the foregoing is true to the best of my knowledge and belief.

Executed this 23<sup>rd</sup> day of August, 2012 at San Francisco, California.

SALTZMAN & JOHNSON  
LAWCORPORATION

By:    /s/  
Muriel B. Kaplan  
Attorneys for Plaintiffs

IT IS SO ORDERED.

The Case Management Conference in this action is hereby continued to 11/2/12, 2012. All related deadlines are extended accordingly.

8/23/12

Dated: \_\_\_\_\_

  
UNITED STATES DISTRICT JUDGE