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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F.G. CROSTHWAITE, et al.,

Case No.: C12-2986 SI

11 Plaintiffs,

**REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE;**

12 v.

**and [PROPOSED] ORDER THEREON**

13 ADVANCED ROCK CRUSHING SERVICE,  
 LLC, a California Limited Liability Company;

Date: September 14, 2012

14 and TODD WEIHER, an individual,

Time: 2:30 p.m.

15 Defendants.

Ctrm.: 10, 19<sup>th</sup> Floor

Judge: The Honorable Susan Illston

16

17 Plaintiffs hereby submit their Case Management Conference Statement as follows:

18 1. As the Court's records will reflect, this action was filed by Plaintiffs to compel  
 19 Defendants' compliance with their collective bargaining agreement.

20 2. The parties have been in contact to discuss settlement of this matter by way of a  
 21 Judgment Pursuant to Stipulation providing for a payment plan to allow Defendants to bring their  
 22 account current by making monthly payments to Plaintiffs. Plaintiffs' counsel mailed a proposed  
 23 Notice and Acknowledgment and Judgment Pursuant to Stipulation ("Stipulation"), and copies of  
 24 the Summons and Complaint, and all Court documents that had been issued to date, to Defendants  
 25 on or about June 13, 2012.

26 3. Defendants acknowledged receipt of the proposed Stipulation and related  
 27 documents, and advised Plaintiffs that further revisions to the stipulation would be needed prior to  
 28 their execution. The Parties are still in negotiations regarding the content of the changes. However,

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**REQUEST TO CONTINUE CMC**  
**Case No.: C12-2986 SI**

1 Defendants have submitted the first three payments under the proposed Stipulation, and have  
2 timely paid their current contributions. Plaintiffs continue to believe that a settlement will be  
3 reached with Defendants.

4 4. Accordingly, Plaintiffs respectfully request that the Case Management Conference,  
5 currently scheduled for September 14, 2012, be continued for 60-90 days to allow for additional  
6 settlement efforts and/or for Plaintiffs to personally serve Defendants with the Summons and  
7 Complaint, and for Defendants to file Answers.

8 5. There are no issues that need to be addressed by the parties at the currently  
9 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
10 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled  
11 Case Management Conference.

12 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
13 entitled action, and that the foregoing is true of my own knowledge.

14 Executed this 4<sup>th</sup> day of September, 2012, at San Francisco, California.

15 SALTZMAN & JOHNSON  
16 LAW CORPORATION

17 By: \_\_\_\_\_ /S/  
18 Blake E. Williams  
19 Attorneys for Plaintiffs

20 IT IS SO ORDERED.

21 The currently set Initial Case Management Conference is hereby continued to  
22 Nov. 2, 2012 at 2:30 pm. All related deadlines are hereby extended  
23 accordingly.

24 Date: 9/5/12 \_\_\_\_\_

25   
26 \_\_\_\_\_  
27 UNITED STATES DISTRICT COURT JUDGE  
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