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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: November 2, 2012

14 and TODD WEIHER, an individual,

Time: 2:30 p.m.

15 Defendants.

Ctrm.: 10, 19th Floor

Judge: The Honorable Susan Illston

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17 Plaintiffs hereby submit their Request to Continue the Case Management Conference set
 18 for November 2, 2012, as follows. Plaintiffs recognize that a Case Management Conference
 19 Statement was due on October 23, 2012. Due to a calendaring error, Plaintiffs' counsel neglected
 20 to file a statement on time, and hereby submit this Request to Continue to the Court with apologies
 21 for its tardiness.

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

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

-1-
REQUEST TO CONTINUE CMC
Case No.: C12-2986 SI

1 on or about June 13, 2012.

2 3. Defendants acknowledged receipt of the proposed Stipulation and related
3 documents, and advised Plaintiffs that further revisions to the stipulation would be needed prior to
4 their execution. Defendants also submitted the first three payments under the proposed Stipulation.

5 4. The Court continued the previous Case Management Conference to allow time for
6 the Parties to continue negotiations regarding the content of the changes. However, the parties did
7 not reach a settlement, and Defendants failed to submit further payments under the proposed
8 Stipulation, and became delinquent in payment of their current contributions. Plaintiffs therefore
9 arranged for a process server to serve Defendants with the Summons and Complaint.

10 5. Service on Defendant Advanced Rock Crushing Service, LLC was effectuated on
11 October 21, 2012, and a Proof of Service was filed with the Court on October 24, 2012 (Dkt. #13).
12 Defendant Advanced Rock Crushing Service, LLC's deadline to file an Answer is November 13,
13 2012.

14 6. Our process server reports that multiple unsuccessful attempts have been made to
15 personally serve Defendant Todd Weiher. As the Court's records will reflect, the Court issued an
16 order extending Plaintiffs' deadline to serve Defendants with the Summons and Complaint to
17 December 7, 2012 (Dkt. #12). Plaintiffs will continue to attempt to effectuate service.

18 7. Accordingly, Plaintiffs respectfully request that the Case Management Conference,
19 currently scheduled for November 2, 2012, be continued for 60-90 days to allow for additional
20 settlement efforts and/or for service of process to be completed on Defendant Weiher and/or for
21 Defendants to file Answers.

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

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

3 Executed this 30th day of October, 2012, at San Francisco, California.

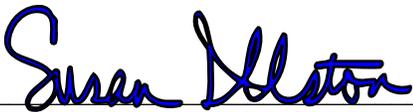
4 SALTZMAN & JOHNSON
5 LAW CORPORATION

6 By: _____ /S/
7 Blake E. Williams
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 The currently set Initial Case Management Conference is hereby continued to
11 _____ 2/1/13 at _____ 3:00 p.m. All related deadlines are hereby extended
12 accordingly.

13 Date: _____ 10/31/12

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15 _____
16 UNITED STATES DISTRICT COURT JUDGE
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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 **October 30, 2012**, I served the following document(s):

**REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;
and [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 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 First Class postage fully prepaid.

4. The envelopes were addressed and sent via First Class U.S. Mail as follows:

Advanced Rock Crushing Service, LLC
c/o Deawn Weiher, Agent
for Service of Process
390 California Street
Escalon CA 95320

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **October 30, 2012**, at San Francisco, California.

_____/S/
Elise Thurman
Paralegal