

1 Susan J. Olson, SBN 152467
Ronald L. Richman, SBN 139189
2 Bullivant Houser Bailey PC
601 California Street, Suite 1800
3 San Francisco, California 94108
Telephone: 415.352.2700
4 Facsimile: 415.352.2701
E-Mail: susan.olson@bullivant.com
5 E-Mail: ron.richman@bullivant.com

6 Attorneys for Plaintiff
BOARD OF TRUSTEES FOR THE
7 CEMENT MASONS HEALTH AND
WELFARE FUND FOR NORTHERN
8 CALIFORNIA

9 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 BOARD OF TRUSTEES FOR THE CEMENT
MASONS HEALTH AND WELFARE TRUST
13 FUND FOR NORTHERN CALIFORNIA,

14 Plaintiff,

15 vs.

16 JOSE G. TINOCO, an individual; LETICIA
MEDINA, an individual,

17 Defendants.
18

Case No.: C 12-3206 WHA

**PLAINTIFFS' CASE MANAGEMENT
STATEMENT; ORDER THEREON**

Date: September 20, 2012
Time: 11:00 a.m.
Ctroom: 8, 19th Floor
Hon. William H. Alsup

19 Plaintiffs Board of Trustees for the Cement Masons Health and Welfare Trust Fund
20 ("Trust Fund") hereby provide this abbreviated case management conference statement.

21 On June 20, 2012 Plaintiffs filed their Complaint for Equitable Relief under ERISA
22 against Defendants Jose G. Tinoco and Leticia Medina, husband and wife. Defendant Jose G.
23 Tinoco is employed as a laborer. Pursuant to his employment with employers who are signatory
24 to the collective bargaining agreements and trust agreement by which the Trust Fund, an
25 employee benefit plan, is maintained, Defendant Tinoco has been a participant in the Trust
26 Fund's Health and Welfare Plan.

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1 On or about November 27, 2009 while Defendant Tinoco was a participant in the Trust
2 Fund's Health and Welfare Plan, Defendant's spouse, Defendant Medina, sustained bodily
3 injuries. Plaintiff Trust Fund paid benefits on behalf of Defendants covering Defendant
4 Medina's medical, hospital and related expenses pursuant to Article X, Section 8 of the Health
5 and Welfare Plan. Plaintiff Trust Fund has paid a total of not less than \$33,613.52 in benefits on
6 behalf of Defendants in connection with Defendant Medina's injuries. Pursuant to the Health
7 and Welfare Plan, the Trust Fund has an automatic lien in the amount of not less than
8 \$33,613.52 against any third party recovery by Defendants.

9 Plaintiff is informed and believes that Defendants are actively pursuing, or have received
10 a monetary recovery in connection with, a lawsuit against one or more third parties for the
11 bodily injuries sustained by Defendant Medina. Plaintiff Trust Fund is entitled to recover, under
12 its automatic lien, the amount recovered by Defendant Leticia Medina against the responsible
13 parties for the injuries Defendant Medina sustained, according to proof at trial

14 Plaintiff is actively engaged in settlement discussions with defendants and believe that a
15 settlement is possible within the next thirty (30) days. If a settlement is not reached and this
16 case not dismissed within thirty (30) days, Plaintiffs will proceed with this litigation with all due
17 diligence.

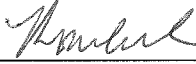
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1 Based on the above, Plaintiffs respectfully request that this Court continue the case
2 management conference for a period of thirty days.

3 DATED: September 12, 2012

4 BULLIVANT HOUSER BAILEY PC

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6 By 
7 Susan J. Olson
8 Ronald L. Richman

9 Attorneys for Plaintiff
10 BOARD OF TRUSTEES FOR THE CEMENT
11 MASONS HEALTH AND WELFARE TRUST
12 FUND FOR NORTHERN CALIFORNIA

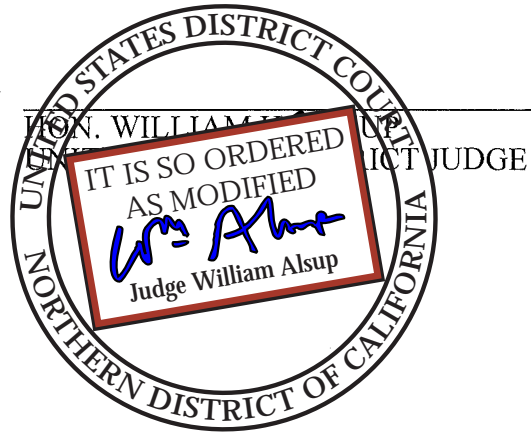
13 **ORDER**

14 Pursuant to the Plaintiffs' request to continue the case management conference and good
15 cause appearing:

16 IT IS HEREBY ORDERED that the September 20, 2012 case management conference
17 be continued to October 4, 2012 at 11:00 a.m., Courtroom 8, 19th floor.

18 DATED: September 18, 2012

19 By _____



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