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7 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA DIVISION

12 THE BOARD OF TRUSTEES, in their  
 13 capacities as Trustees of the CEMENT  
 MASONS HEALTH AND WELFARE TRUST  
 14 FUND FOR NORTHERN CALIFORNIA,  
 CEMENT MASONS PENSION TRUST FUND  
 15 FOR NORTHERN CALIFORNIA, CEMENT  
 MASONS VACATION/HOLIDAY TRUST  
 16 FUND FOR NORTHERN CALIFORNIA,  
 CEMENT MASONS APPRENTICESHIP AND  
 17 TRAINING TRUST FUND FOR NORTHERN  
 CALIFORNIA,

18 Plaintiffs,

19 v.

20 DAT VIHN LUONG; DAT VIHN LUONG,  
 individually and doing business as D L  
 21 CONSTRUCTION; and D L  
 CONSTRUCTION,

22 Defendants.  
23  
24

No. 3:12-cv-03888-JSW

**EX PARTE APPLICATION FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE;  
(PROPOSED) ORDER**

25 **TO: THE CLERK OF THE COURT AND DEFENDANTS DAT VIHN LUONG; DAT**  
 26 **VIHN LUONG, individually and doing business as D L Construction; and D L**  
 27 **CONSTRUCTION:**

28 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case

1 Management Conference, currently scheduled for February 1, 2013 at 1:30 p.m. be continued for  
2 ninety days to allow the Parties time to resolve this matter.

3 Plaintiffs filed the Complaint in this matter on July 25, 2012. Defendants were served  
4 with the Summons and Complaint on November 29, 2012, and Proofs of Service were filed with  
5 this Court on December 5, 2012. Although Defendants have not filed an Answer or other  
6 responsive pleading, they have contacted Plaintiffs and the Parties are attempting to settle this  
7 case. If they are unable to do so, Plaintiffs will request that the Clerk enter Defendants' default,  
8 and will then move the Court for default judgment. Therefore, Plaintiffs request that Case  
9 Management Conference be continued for ninety days in order to allow the Parties additional  
10 time to resolve the case through settlement.

11 The above stated facts are set forth in the accompanying Declaration of Daniel S. Brome  
12 in Support of Ex Parte Application to Continue Case Management Conference, filed herewith.

13 Dated: January 25, 2013

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15 WEINBERG, ROGER & ROSENFELD  
16 A Professional Corporation

17 By:           /s/ Daniel S. Brome            
18 DANIEL S. BROME  
19 Attorneys for Plaintiffs

20 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

21 Based upon the foregoing Ex Parte Application for Continuance of Case Management  
22 Order and Declaration of Daniel S. Brome in Support of Ex Parte Application to Continue Case  
23 Management Conference, ~~the Court orders a continuance of the Case Management Conference~~  
24 June 7, 2013 at 1:30 p.m.  
~~for 90 days, or as soon thereafter as a court date is available. In addition, the Court orders:~~

25 Dated: January 29, 2013

26   
27 HONORABLY JEFFREY S. WHITE  
28 United States District Judge

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