

1 Michele R. Stafford, Esq. (SBN 172509)
 Blake E. Williams, Esq. (SBN 233158)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 (415) 882-7900
 4 (415) 882-9287 – Facsimile
mstafford@sjlawcorp.com
 5 bwilliams@sjlawcorp.com

6 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 NORTHERN CALIFORNIA GLAZIERS,
 ARCHITECTURAL METAL AND GLASS
 11 WORKERS PENSION PLAN, et al.

12 Plaintiffs,

13 v.

14 SAFECO DOOR & HARDWARE, INC., a
 California corporation, *dba* AHC GLASS,

15 Defendant.

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17

Case No.: C12-4685 SI

**REQUEST FOR ENTRY OF
 CONDITIONAL DISMISSAL WITHOUT
 PREJUDICE;**

**DECLARATION OF MICHELE R.
 STAFFORD IN SUPPORT THEREOF;**

~~PROPOSED~~ ORDER THEREON

18 For good cause shown below, Plaintiffs herein respectfully request that the Court vacate
 19 the calendar in this Action, and conditionally dismiss this matter without prejudice pending
 20 Defendant remaining current in contributions through the month of September 2013.

21 1. As the Court's records will reflect, this action was filed to compel Defendant's
 22 compliance with its obligations under the Collective Bargaining Agreement to which it is
 23 signatory. Plaintiffs filed suit on September 7, 2012 for payment of contributions due them for the
 24 month of July 2012, and for liquidated damages and interest accrued on late-paid contributions for
 25 the months of January through July 2012.

26 2. Prior to service, Defendant advised that it would pay all amounts due. Defendant
 27 recently submitted payment of all amounts due, including attorneys' fees and costs, and one-half
 28 of the accrued liquidated damages. As Defendant has been continuously delinquent in payment of

-1-

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1 contributions, the remaining 50% will be conditionally waived by the Plaintiffs' Board of Trustees
2 contingent upon Defendant remaining current in their contributions through the month of
3 September 2013.

4 3. Plaintiffs respectfully request that the Court therefore conditionally dismiss this
5 matter without prejudice.

6 4. Should Defendant fail to remain current in contributions, Plaintiffs are authorized
7 to ask that the Court reopen this matter.

8 5. Plaintiffs have not previously filed or dismissed any similar action against
9 Defendant and Defendant has not answered or otherwise appeared in this action.

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

12 Executed this 4th day of December, 2012, at San Francisco, California.

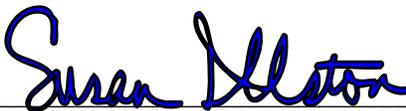
13 SALTZMAN & JOHNSON
14 LAW CORPORATION

15 By: _____/s/
16 Michele R. Stafford
Attorneys for Plaintiffs

17 IT IS SO ORDERED.

18 This case shall be dismissed without prejudice, and the Court shall retain jurisdiction of the
19 matter to enforce the term for the conditional waiver of liquidated damages, if necessary.

20
21 Date: 12/5/12

22 
23 _____
24 THE HONORABLE SUSAN ILLSTON
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