

1 BARRY E. HINKLE, Bar No. 071223
 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
 2 DANIEL BROME, Bar No. 278915
 WEINBERG, ROGER & ROSENFELD
 3 A Professional Corporation
 1001 Marina Village Parkway, Suite 200
 4 Alameda, California 94501
 Telephone (510) 337-1001
 5 Fax (510) 337-1023
 E-Mail: bhinkle@unioncounsel.net
 6 clozano@unioncounsel.net
 dbrome@unioncounsel.net
 7

8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11

12 THE BOARD OF TRUSTEES, in their
 capacities as Trustees of the LABORERS
 13 HEALTH AND WELFARE TRUST FUND
 FOR NORTHERN CALIFORNIA;
 14 LABORERS VACATION-HOLIDAY TRUST
 FUND FOR NORTHERN CALIFORNIA;
 15 LABORERS PENSION TRUST FUND FOR
 16 NORTHERN CALIFORNIA; and LABORERS
 TRAINING AND RETRAINING TRUST
 17 FUND FOR NORTHERN CALIFORNIA,
 18

No. C 12-05322 JSW

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

19 Plaintiff,

20 v.

21 TIM KRUSE CONSTRUCTION, INC., a
 California Corporation,
 22

23 Defendant.
 24

25 **TO: THE CLERK OF THE COURT AND DEFENDANT TIM KRUSE**

26 **CONSTRUCTION, INC., A California Corporation:** Pursuant to Civil Local Rule 7-10,

27 Plaintiffs hereby request that the initial Case Management Conference, currently scheduled for

28

1 April 19, 2013 at 1:30 p.m., be continued for sixty days to allow Plaintiffs to seek Default
2 Judgment against Defendant.

3 Plaintiffs filed the Complaint in this matter on October 16, 2012. Defendant was served
4 on November 15, 2012, for which proofs of service were filed with this Court on November 27,
5 2012. Thereafter, the parties were attempting resolution of this matter. Recently, Defendant has
6 stopped communicating with Plaintiffs. Defendant has not filed an Answer or other responsive
7 pleading in this matter, and Plaintiffs filed a Request for Entry of Default on April 8, 2013 and
8 will be moving for Default Judgment once Default is entered. Given these facts, Plaintiffs request
9 that Case Management Conference be continued for sixty days in order to allow Plaintiffs to
10 prepare and file a Motion for Default Judgment.

11 The above stated facts are set forth in the accompanying Declaration of Concepción E.
12 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
13 filed herewith.

14 Dated: April 9, 2013

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

15
16
17 By: /s/ Concepción E. Lozano-Batista
CONCEPCION E. LOZANO-BATISTA
Attorneys for Plaintiffs

18
19 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

20 Based upon the foregoing Ex Parte Application for Continuance of Case Management
21 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
22 Continue Case Management Conference, the Court orders a continuance of the Case Management
23 Conference ~~for 60 days, or as soon thereafter as a court date is available. In addition, the Court~~
24 ~~orders~~ to June 21, 2013 at 1:30 p.m. If the Plaintiffs file a motion for default judgment before that
25 date, the Court shall vacate the case management conference.

26 Dated: April 10, 2013

27 
HONORABLE JEFFREY S. WHITE
United States District Judge