

1 Muriel B. Kaplan, Esq. (SBN 124607)
 Michele R. Stafford, Esq. (SBN 172509)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 Telephone: (415) 882-7900
 4 Facsimile: (415) 882-9287
 mkaplan@sjlawcorp.com
 5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7
 8
 9

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.,

13 Plaintiffs,

14 v.

15 NEHEMIAH ELIJAH BROWN, JR.,
 16 Individually and *dba* PRECISION
 DRYWALL CO.,

17 Defendant.

18
 19
 20

Case No: C12-5378 TEH

**REQUEST FOR ENTRY OF JUDGMENT
 WITHOUT HEARING ON PLAINTIFFS’
 MOTION FOR DEFAULT JUDGMENT and
 REQUEST TO VACATE HEARING
 THEREON;
~~PROPOSED~~ ORDER THEREON**

Date: February 11, 2013
 Time: 10:00 a.m.
 Location: Courtroom 2, 17th Floor
 450 Golden Gate Ave.
 San Francisco, CA 94102
 Judge: The Honorable Thelton E. Henderson

21 I, Michele R. Stafford, declare:
 22

23 1. I am an attorney at law licensed to practice in the State of California, and am a
 24 shareholder of Saltzman and Johnson Law Corporation, attorneys for Plaintiffs herein.

25 2. I submit this declaration in support of Plaintiffs’ pending Motion for Default
 26 Judgment filed on January 7, 2013. I am requesting that default judgment be entered by the Court
 27 without the necessity of a hearing, and that the hearing presently set for February 11, 2013 at
 28 10:00 a.m. before the Honorable Thelton E. Henderson be vacated.

1 4. The Notice of Motion and Motion for Default Judgment were served upon
2 Defendant on January 7, 2013. Defendant's time for filing any Opposition to the Motion for
3 Default Judgment has passed, and Defendant have failed to oppose or otherwise contest this
4 request for default judgment.

5 5. Defendant Brown has a history of ignoring the legal process, of not appearing at
6 hearings, and of failing to make payment on Judgments, as evidenced in Case Numbers C04-4390
7 WHA and C06-7509 WHA. The current action is against a new entity, but with the same principal.
8 Mr. Brown has behaved to date, exactly as he did in prior matters. It is questionable at best as to
9 whether we will be able to collect.

10 6. In the interest of conserving costs as well as the Court's time and resources,
11 Plaintiffs respectfully request that the Court enter default judgment without the necessity of a
12 hearing, and that the currently scheduled February 11, 2013 hearing be vacated. As attorneys' fees
13 and costs are "out of pocket," Plaintiffs are attempting to keep fees (and thus the Trust Funds'
14 loss) at a minimum. Entering Judgment without the necessity of a hearing will keep the fees and
15 costs at a minimum, particularly in light of the fact that collection is uncertain.

16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

