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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS  
 PENSION TRUST FUND, and its BOARD OF  
 11 TRUSTEES; LES PROTEAU and CHARLES  
 DEL MONTE, TRUSTEES;

12 Plaintiffs,

13 v.

14 ASHLEY HAWLEY RHODES, Individually  
 and dba ASHLEY H. RHODES COMPANY;  
 15 ASHLEY H. RHODES CO., LLC, a California  
 limited liability company; and DOES 1-20;

17 Defendant.

Case No.: C 12 5583 EDL

**REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE AND  
 18 [PROPOSED] ORDER**

MODIFIED

19 This action arises under the Employee Retirement Income Security Act of 1974  
 20 (“ERISA”), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C  
 21 §§1001-1461 (1982)), to recover withdrawal liability amounts owed by Defendants ASHLEY  
 22 HAWLEY RHODES, individually and dba ASHLEY H. RHODES COMPANY and ASHLEY H.  
 23 RHODES CO., LLC, a California limited liability company (collectively, “Defendants”) to  
 24 Plaintiffs Bay Area Painters and Tapers Pension Trust Fund and its Board of Trustees: Les Proteau  
 25 and Charles Del Monte (collectively “Plaintiffs”).

26 1. On October 31, 2012, Plaintiffs filed a Complaint in this matter. Dkt. #1. Service  
 27 was personally effectuated on Defendants on December 7, 2012. However, Proofs of Service of

1 Summons have not been filed with the Court because the Proofs have not been received from the  
2 process server to date.

3 2. The deadline for Defendants to file a responsive pleading was on December 28,  
4 2012. Plaintiffs anticipate filing a Request for Entry of Default against the Defendants.

5 3. The Initial Case Management Conference in this action has been set by the Court  
6 for January 29, 2013, with a Case Management Statement due on January 22, 2013, and a meet  
7 and confer and ADR certification required by January 8, 2013.

8 4. The requested extension will modify the ADR Scheduling Order filed on October  
9 31, 2012 (Dkt #3). There are no issues that need to be addressed at the currently scheduled Case  
10 Management Conference, since no defendant has appeared.

11 5. Plaintiffs believe that the requested continuance would promote the interests of  
12 judicial economy and fairness, and will help effectuate a just, speedy and inexpensive  
13 determination of this action. *See* FED. R. CIV. P. 1.

14 6. Plaintiffs respectfully request that the Case Management Conference, currently  
15 scheduled for January 29, 2013, and all related dates, be continued for 90 days.

16 Dated: January 3, 2013

SALTZMAN & JOHNSON LAW CORPORATION

18 By: \_\_\_\_\_ /S/

19 JULIE A. RICHARDSON

20 Attorneys for Plaintiffs, BAY AREA

PAINTERS & TAPERS PENSION TRUST

21 FUND, et al.  
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**ORDER**

Based on the foregoing Stipulation of the parties, IT IS HEREBY ORDERED that the  
currently set Case Management Conference is hereby continued to April 30, 2013 at ~~10:00~~<sup>3:00 p.m.</sup>  
~~a.m.~~ All related deadlines are extended accordingly.

IT IS SO ORDERED.

Dated: January 3, 2013

  
Honorable Elizabeth D. Laporte  
UNITED STATES MAGISTRATE JUDGE

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**PROOF OF SERVICE**

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On January 3, 2013, I served the following document:

**REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE  
AND [PROPOSED] ORDER**

on the interested parties to this action, addressed as follows, in the manner described below:

XX **MAIL** by placing the envelope for collection and mailing on the date shown above following our ordinary business practices. Being readily familiar with this business's practice for collecting and processing correspondence for mailing, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed enveloped with postage fully prepaid, as addressed below:

Ashley H Rhodes  
Ashley H Rhodes Co., LLC  
376 Bradford Street  
San Francisco, CA 94110

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 3<sup>rd</sup> day of January, 2013 at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Barbara Savino