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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE BAY
 AREA ROOFERS, *et al.*,

Plaintiffs,

v.

WESTECH ROOFING, a California
 corporation;

Defendant.

Case No. 12-cv-05655 JCS

**PLAINTIFFS' CASE MANAGEMENT
 CONFERENCE STATEMENT;
 [PROPOSED] ORDER**

Date: May 10, 2013
 Time: 1:30 p.m.
 Courtroom: G; 15th Floor
 Location: 450 Golden Gate Avenue
 San Francisco, CA 94102
 Judge: Judge Joseph C. Spero

NEYHART,
 ANDERSON,
 FLYNN &
 GROSBOLL
 ATTORNEYS AT LAW

1 INTRODUCTION

2 This is an ERISA collections case. Plaintiffs allege that Defendant failed to pay fringe
3 benefit contributions due, resulting in liquidated damages and collection costs, as well as
4 attorneys' fees and interest.

5 Defendant has failed to appear in this action. Accordingly, default was entered against
6 Defendant on May 1, 2013. (See, Dckt. No. 14.)

7
8 1. Jurisdiction and Service: This is an ERISA collection action, and as such, this
9 Court has jurisdiction pursuant to 29 U.S.C. §§ 1132 and 1145. Defendant was served on or about
10 November 24, 2012.

11 2. Facts: Defendant WESTECH ROOFING has failed to pay mandatory fringe
12 benefit contributions to Plaintiffs BOARD OF TRUSTEES OF THE BAY AREA ROOFERS
13 HEALTH & WELFARE TRUST FUND, PACIFIC COAST ROOFERS PENSION PLAN, EAST
14 BAY / NORTH BAY ROOFERS VACATION TRUST FUND, BAY AREA COUNTIES
15 ROOFING INDUSTRY PROMOTION FUND, BAY ARE COUNTIES ROOFING INDUSTRY
16 APPRENTICESHIP TRAINING FUND, BRUCE LAU, TRUSTEE (hereafter collectively
17 referred to as "Plaintiffs"), resulting in liquidated damages and collection costs, as well as
18 attorneys' fees and interest.

19
20 3. Legal Issues: The principal legal issue in this case is whether Defendant is liable for the
21 unpaid contributions, liquidated damages, collection costs, interest, and attorneys' fees.

22 4. Motions: Plaintiffs anticipate filing a Motion for Default Judgment. To that end,
23 Plaintiffs request that this Court continue the currently scheduled case management conference to
24 a date after July 10, 2013 so that Plaintiffs may file their Motion for Default Judgment.

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27 ANDERSON,
28 FLYNN &
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1 5. Amendment of Pleadings: Plaintiffs do not anticipate filing any amended pleadings at
2 this time.

3 6. Evidence Preservation: The parties have not discussed any necessary steps taken to
4 preserve relevant evidence, as Defendant has failed to appear in this action.
5

6 7. Disclosures: No disclosures have been made, as Defendant has failed to appear in this
7 action.

8 8. Discovery: No discovery has been conducted and no discussions regarding a discovery
9 plan have taken place between the parties, as Defendant has failed to appear in this action.
10 Pursuant to Fed. R. Civ. P. 26(f), however, Plaintiffs’ discovery plan is as follows:

11 (a) Plaintiffs do not propose any changes should be made in the timing, form,
12 or requirement for disclosures under Rule 26(a). Plaintiffs expect to make their initial disclosures
13 prior to the Case Management Conference in this case.
14

15 (b) Plaintiffs are unaware at this time of the subjects on which discovery may
16 be needed. Plaintiffs believe that since the requisite discovery, if any, in this case will be minimal,
17 discovery should be completed quickly and should not be conducted in phases or be limited to or
18 focused on particular issues.

19 (c) Plaintiffs do not foresee any issues about disclosure or discovery of
20 electronically stored information.
21

22 (d) Plaintiffs are unaware at this time of any issues about claims of privilege or
23 of protection as trial-preparation materials.

24 (e) Plaintiffs do not propose any changes be made in the limitations on
25 discovery imposed under these rules or by local rule.

26 9. Class Actions: This case is not a class action.
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1 10. Related Cases: There have been a number of lawsuits filed against Defendant based
2 on Defendant's failure and/or refusal to pay mandatory fringe benefit contributions due to
3 Plaintiffs (See e.g., 06-cv-04819-JCS).

4 11. Relief: Plaintiffs seek a judgment for all contributions due and owing to the date of
5 judgment, plus liquidated damages, interest, attorneys' fees and costs. Plaintiffs also request that
6 the Court enjoin Defendant from violating the terms of the applicable collective bargaining
7 agreement(s) and Trust agreement(s) for the time which Defendant is contractually bound to file
8 reports and pay contributions to the Trust Funds. Plaintiffs further request that this Court reserve
9 Plaintiffs' contractual right to audit Defendant for months prior to the judgment and, in the event
10 of such an audit, collect any additional sums which may be due. Finally, Plaintiffs request that
11 this Court retain jurisdiction over this case pending Defendant's compliance with its orders.
12

13 12. Settlement and ADR: The parties have not agreed to an ADR process, as Defendant
14 has failed to appear in this action.
15

16 13. Consent to Magistrate Judge For All Purposes: Plaintiffs consent to a magistrate judge
17 to conduct further proceedings.

18 14. Other References: Plaintiffs do not believe this case is suitable for reference to binding
19 arbitration, a special master or multi-district litigation.
20

21 15. Narrowing of Issues: There has been no discussion between the parties regarding
22 issues which can be narrowed, as Defendant has failed to appear in this action.

23 16. Expedited Schedule: Plaintiffs do not believe there is a need for this case to proceed
24 on an expedited basis. Plaintiffs expect the case will be resolved via the Motion for Default
25 Judgment, which Plaintiffs expect to file forthwith.

1 17. Scheduling: Plaintiffs believe setting pre-trial dates is premature. Further, as Plaintiffs
2 believe the case will be resolved via a Motion for Default Judgment, there is no need for a pre-trial
3 schedule.

4 18. Trial: Plaintiffs believe the case will be resolved via a Motion for Default Judgment
5 and, as such, trial will not be necessary.


6 19. Disclosure of Non-party Interested Entities or Persons: Other than the named parties,
7 Plaintiffs are not aware of any other interested entities or persons.

8 20. The parties believe that the above statement adequately all crucial issues in order that
9 this action may be resolved.

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11
12 Dated: May 2, 2013

Respectfully submitted,

NEYHART, ANDERSON,
FLYNN & GROSBOLL

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15 By: 
16 Eileen M. Bissen
17 Attorneys for Plaintiffs

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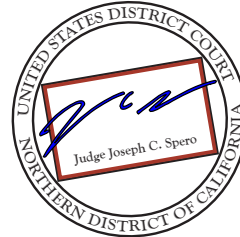
[PROPOSED] ORDER

Having considered the case management statement submitted by Plaintiffs, IT IS
HEREBY ORDERED THAT:

The case management conference scheduled for May 10, 2013 at 1:30 p.m. is continued
to July 12, 2013 at 1:30 p.m. in Courtroom G; 15th
Floor, U.S. District Court, located at 450 Golden Gate Avenue in San Francisco, California
94102.

IT IS SO ORDERED.

Dated: May 7, 2013



Judge Joseph C. Spero
UNITED STATES MAGISTRATE JUDGE

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GROSBOLL
ATTORNEYS AT LAW