

1 Eileen M. Bissen, State Bar No. 245821
 2 NEYHART, ANDERSON, FLYNN & GROSBOLL
 3 369 Pine Street, Suite 800
 4 San Francisco, CA 94104
 5 Tel. (415) 677-9440
 6 Fax (415) 677-9445
 7 Email: ebissen@neyhartlaw.com

5 **Attorneys for Plaintiffs**

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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

13 Plaintiffs,

14 v.

15 WESTECH ROOFING, a California
 16 corporation;

17 Defendant.

Case No. 12-cv-05655 JCS

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

Date: July 12, 2013
 Time: 9:30 a.m.
 Courtroom: G; 15th Floor
 Location: 450 Golden Gate Avenue
 San Francisco, CA 94102
 Judge: Judge Joseph C. Spero

26 NEYHART,
 27 ANDERSON,
 28 FLYNN &
 GROSBOLL
 ATTORNEYS AT LAW

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

3 9. Class Actions: This case is not a class action.

4 10. Related Cases: There have been a number of lawsuits filed against Defendant based
5 on Defendant's failure and/or refusal to pay mandatory fringe benefit contributions due to
6 Plaintiffs. (See, e.g., 06-cv-04819-JCS).

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

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

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

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

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.

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

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

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


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

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

13
14
15
16 Dated: July 5, 2013

Respectfully submitted,

NEYHART, ANDERSON,
FLYNN & GROSBOLL

17
18
19 By: 
20 Eileen M. Bissen
Attorneys for Plaintiffs

21
22
23
24
25
26 NEYHART,
ANDERSON,
27 FLYNN &
GROSBOLL
ATTORNEYS AT LAW

28
PLAINTIFFS' CASE MANAGEMENT CONFERENCE STATEMENT; [PROPOSED] ORDER
Case No. 12-cv-05655 JCS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

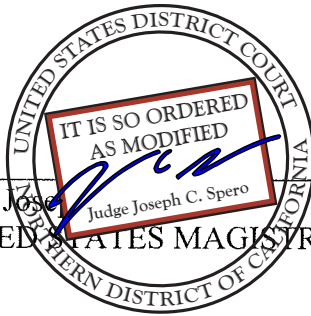
[PROPOSED] ORDER

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

The case management conference scheduled for July 12, 2013 at 9:30 a.m. is continued to
August 16, 2013 at 1:30 ~~a.m.~~ p.m. in Courtroom G on
the 15th Floor of the U.S. District Court, located at 450 Golden Gate Avenue in San Francisco,
California 94102. The case management conference date will be vacated if Plaintiffs file their motion
for default judgment by July 12, 2013.

IT IS SO ORDERED.

Dated: July 10, 2013


Judge Joseph C. Spero
UNITED STATES MAGISTRATE JUDGE