

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  
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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

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

No. 12-cv-05658-JSW

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

17 Plaintiffs,

18 v.

19 ZOLMAN CONSTRUCTION AND  
 DEVELOPMENT, INC., a California  
 20 Corporation,

21 Defendant.

22 **TO: THE CLERK OF THE COURT AND DEFENDANT ZOLMAN CONSTRUCTION**  
 23 **AND DEVELOPMENT, INC., A California Corporation:**  
 24

25 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case  
 26 Management Conference, currently scheduled for May 31, 2013 at 1:30 p.m., be continued for  
 27 ninety days to allow the parties to resolve this matter informally.  
 28

1 Plaintiffs filed the Complaint seeking an audit and unpaid contribution on November 5,  
2 2012. Defendant was served by substituted service on November 14, 2012, for which proofs of  
3 service were filed with this Court on November 27, 2012. Although Defendant has not filed an  
4 Answer or other responsive pleading in this matter, Defendant has been communicating with  
5 Plaintiffs and has agreed to schedule an audit. Defendant has provided some of the materials  
6 needed for the audit, and document production is ongoing. Following the audit, the parties hope  
7 to fully resolve all of the issues in this matter without need for further proceedings. Given these  
8 facts, Plaintiffs request that the Case Management Conference be continued for ninety days in  
9 order to allow Plaintiffs to conduct the audit of Defendant's books and records, and for the parties  
10 to resolve any other issues.

11 The above stated facts are set forth in the accompanying Declaration of Daniel S. Brome  
12 in Support of Ex Parte Application to Continue Case Management Conference, filed herewith.

13  
14 Dated: May 28, 2013

15 WEINBERG, ROGER & ROSENFELD  
16 A Professional Corporation

17 By: /s/ Daniel S. Brome  
18 DANIEL S. BROME  
19 Attorneys for Plaintiffs

20 **[PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

21 Based upon the foregoing Ex Parte Application for Continuance of Case Management  
22 Order and Declaration of Daniel S. Brome in Support of Ex Parte Application to Continue Case  
23 Management Conference, the Court ~~orders a continuance of~~ the Case Management Conference  
24 ~~for 90 days, or as soon thereafter as a court date is available. In addition, the Court orders:~~  
25 to August 30, 2013 at 1:30 p.m.

26 Dated: May 29, 2013

27   
28 HONORABLE JEFFREY S. WHITE  
United States District Judge

131433/718818