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7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

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;  
 17 ~~(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 Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case  
 25 Management Conference, currently scheduled for August 30, 2013 at 1:30 p.m., be continued for  
 26 sixty days to allow the parties to attempt to resolve this matter informally.  
 27

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 allowed an audit. Defendant has provided materials needed for the audit, and  
 6 the audit department's review of these records is partially complete. At this time, Plaintiffs  
 7 believe that the audit will show that Defendant owes additional contributions, although the  
 8 precise amount has not been finally resolved. Following the audit, the parties hope to fully  
 9 resolve all of the issues in this matter without need for further proceedings. Given these facts,  
 10 Plaintiffs request that the Case Management Conference be continued for sixty days in order to  
 11 allow Plaintiffs to complete the audit of Defendant's books and records, and for the parties to  
 12 resolve any other issues.

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

15 Dated: August 23, 2013

16  
 17 WEINBERG, ROGER & ROSENFELD  
 A Professional Corporation

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

20  
 21 **~~PROPOSED~~ ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

22 Based upon the foregoing Ex Parte Application for Continuance of Case Management  
 23 Order and Declaration of Daniel S. Brome in Support of Ex Parte Application to Continue Case  
 24 Management Conference, the Court orders a continuance of the Case Management Conference  
 25 ~~for 60 days, or as soon thereafter as a court date is available. In addition, the Court orders:~~  
 26 to November 8, 2013. A Joint Case Management Statement shall be due on November 1, 2013.

27 Dated: August 26, 2013

28   
 HONORABLE JEFFREY S. WHITE  
 United States District Judge