

1 Richard K. Grosboll, State Bar No. 099729
 Eileen M. Bissen, State Bar No. 245821
 2 NEYHART, ANDERSON, FLYNN & GROSBOLL
 369 Pine Street, Suite 800
 3 San Francisco, CA 94104
 Tel. (415) 677-9440
 4 Fax (415) 677-9445
 Email: ebissen@neyhartlaw.com

Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 ELECTRICAL INDUSTRY SERVICE
 11 BUREAU, INC.; NORTHERN
 CALIFORNIA ELECTRICAL WORKERS
 12 PENSION TRUST; SAN FRANCISCO
 ELECTRICAL INDUSTRY
 13 APPRENTICESHIP AND TRAINING
 TRUST; ELECTRICAL WORKERS
 14 HEALTH AND WELFARE TRUST;
 NATIONAL ELECTRIC BENEFIT FUND;
 15 INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS LOCAL 6
 16 VACATION FUND; INTERNATIONAL
 BROTHERHOOD OF ELECTRICAL
 17 WORKERS LOCAL 6; and TIM
 DONOVAN as Trustee of each of the
 18 Plaintiff Trust Funds except the National
 Electrical Benefit Fund and as agent for
 19 Plaintiff National Electrical Benefit Fund,

Case No. 12-cv-5663 EMC

**PLAINTIFFS' CASE MANAGEMENT
 CONFERENCE STATEMENT
 ORDER RESETTING CMC**

Date: February 7, 2012
 Time: 9:00 a.m.
 Court: Courtroom 5, 17th Floor
 450 Golden Gate Ave. SF, CA
 Judge: Hon. Edward M. Chen

20 Plaintiffs,

21 v.

22 F. CONNOLLY CO., a California
 corporation;
 23 Defendant.

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

1 Plaintiff LOCAL 6 of the INTERNATIONAL BROTHERHOOD OF ELECTRICAL
2 WORKERS, AFL-CIO.

3 Plaintiffs allege Defendant has failed to pay contributions in the amount of \$24,508.73 for
4 the period of June 1, 2012 through November 30, 2012. Plaintiffs bring suit to recover the unpaid
5 or underpaid contributions, as well as liquidated damages, collection costs, interest, and attorneys'
6 fees, as provided for in the collective bargaining agreement and applicable Trust agreement(s).

7
8 3. Legal Issues: The principal legal issue in this case is whether Defendant is required to
9 pay the fringe benefit contributions, liquidated damages, collection costs, interest, and attorneys'
10 fees Plaintiffs allege are due and owing.

11 4. Motions: If Defendant fails to answer, Plaintiffs will file a Request for Entry of Default
12 and then a Motion for Default Judgment. If Defendant does answer, Plaintiffs anticipate filing a
13 Motion for Summary Judgment. Plaintiffs are not aware of any other potential motions at this
14 time.
15

16 5. Amendment of Pleadings: Plaintiffs do not anticipate filing any amended pleadings at
17 this time.

18 6. Evidence Preservation: As Defendant has not answered, the parties have not discussed
19 any necessary steps taken to preserve relevant evidence.
20

21 7. Disclosures: Plaintiffs expect to make their initial disclosures if and when Defendant
22 appears in this action.

23 8. Discovery: No discovery has been conducted. Pursuant to Fed. R. Civ. P. 26(f),
24 Plaintiffs' proposed discovery plan, including Plaintiffs' views and proposals thereon, is as
25 follows:

1 (a) Plaintiffs do not propose any changes should be made in the timing, form,
2 or requirement for disclosures under Rule 26(a). Plaintiffs expect to make their initial disclosures
3 if and when Defendant appears in this action.

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

8 (c) Plaintiffs do not foresee any issues about disclosure or discovery of
9 electronically stored information.

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

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

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

15 10. Related Cases: Plaintiffs are not aware of any related cases or proceedings.

16 11. Relief: Plaintiffs seek money damages for unpaid and underpaid fringe benefit
17 contributions owed pursuant to a collective bargaining agreement, in addition to prejudgment
18 interest, liquidated damages and an award of attorney's fees. Plaintiffs currently estimate that
19 Defendant owes at least \$24,508.73 in unpaid contributions for the period of June 1, 2012 through
20 November 30, 2012, as well as liquidated damages and additional collection costs, attorneys' fees
21 and interest at the legal rate.
22
23
24

1 12. Settlement and ADR: As Defendant has not answered, the parties have yet to discuss
2 or agree to an ADR process. Plaintiffs are amenable to a judicial settlement conference before a
3 Magistrate Judge of the District Court.

4 13. Consent to Magistrate Judge For All Purposes: Plaintiffs do not consent to a
5 magistrate judge to conduct further proceedings.
6

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

9 15. Narrowing of Issues: As Defendant has not answered, there has been no discussion
10 between the parties regarding issues which can be narrowed. From Plaintiffs' perspective, the
11 issue is clear: Defendant has failed to pay mandatory fringe benefit contributions. As a result,
12 Defendants owe unpaid principal, liquidated damages, interest and collection costs including
13 attorneys' fees.
14

15 16. Expedited Schedule: Plaintiffs do not believe there is a need for this case to proceed
16 on an expedited basis. Plaintiffs expect the case will be resolved via either a Motion for Default
17 Judgment or a Motion for Summary Judgment.

18 17. Scheduling: Plaintiffs believe setting pre-trial dates is premature. Further, as Plaintiffs
19 believe the case will be resolved via a Motion for Default Judgment or a Motion for Summary
20 Judgment, there is no need for a pre-trial schedule.
21

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

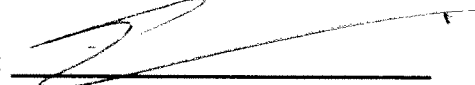
24 19. Disclosure of Non-party Interested Entities or Persons: Plaintiffs have simultaneously
25 with this statement, filed a certification stating that other than the named parties, Plaintiffs are not
26 aware of any other interested entities or persons.
27

1 20. Plaintiffs believe that the above statement adequately all crucial issues in order that
2 this action may be resolved.

3
4 Dated: January 31, 2013

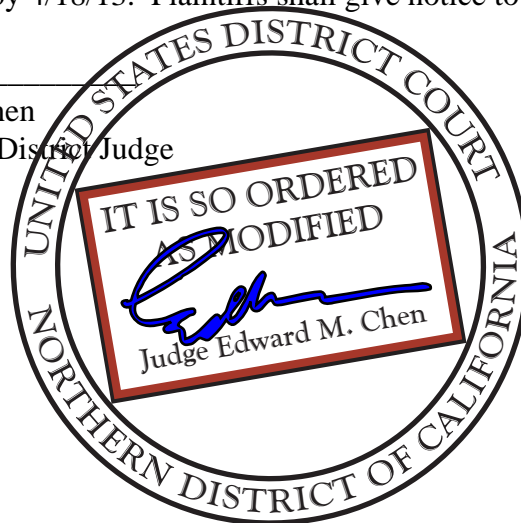
Respectfully submitted,

5
6 NEYHART, ANDERSON,
FLYNN & GROSBOLL

7 By: 
8 Eileen M. Bissen
9 Attorneys for Plaintiffs

10
11 IT IS SO ORDERED that the CMC is reset from 2/7/13 to 4/25/13 at 9:00 a.m. A joint CMC statement
12 shall be filed by 4/18/13. Plaintiffs shall give notice to defendant.

13 _____
14 Edward M. Chen
United States District Judge



15
16
17
18
19
20
21
22
23
24
25
26 NEYHART,
ANDERSON,
FLYNN &
GROSBOLL
27 ATTORNEYS AT LAW