

1 Muriel B. Kaplan, Esq. (SBN 124607)
 Michele R. Stafford, Esq. (SBN 172509)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 (415) 882-7900
 4 (415) 882-9287 – Facsimile
mkaplan@sjlawcorp.com
 5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F. G. CROSTHWAITE, et al., as Trustees of
 the OPERATING ENGINEERS’ HEALTH
 11 AND WELFARE TRUST FUND, et al.

Case No.: C12-5854 MMC

**PLAINTIFFS’ REQUEST FOR
 CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE; and
 [PROPOSED] ORDER THEREON**

12 Plaintiffs,

13 v.

14 CALIFORNIA CONCRETE PUMPING, INC.,
 a California corporation, *dba* ASSOCIATED
 15 CONCRETE PUMPING,

~~Date: Friday, February 15, 2013~~
 Time: 10:30 a.m.
 Ctrm: 7, 19th Floor
 450 Golden Gate Avenue
 San Francisco, California
 Judge: The Honorable Maxine M. Chesney

16 Defendant.

18 Plaintiffs respectfully request that the Case Management Conference scheduled for
 19 February 15, 2013, at 10:30 a.m., be continued for approximately ninety (90) days, as follows:

- 20 1. As the Court’s records will reflect, this action was filed on November 15, 2012 to
 21 compel Defendant to comply with the terms of its Collective Bargaining Agreement.
- 22 2. A payment plan in the form of a stipulated judgment was drafted and sent to
 23 Defendant for execution on November 16, 2012 for contributions due for hours worked by
 24 Defendant’s employees during the months of August through October 2012. The payment plan
 25 also included liquidated damages and interest accrued during that period, along with late-paid
 26 contributions for May 2011 through July 2012.

27
28

1 3. Defendant did not execute the payment plan, but instead, submitted payment of
2 only contributions due, including a payment for only one of two accounts for November 2012.
3 The second account remains unpaid.

4 4. Further amounts are now delinquent for December 2012.

5 5. Because Defendant did not enter into the payment plan which included an
6 Acknowledgment of Service, Plaintiffs will now have the complaint, summons, and court
7 documents served.

8 6. In the event that Defendant fails to provide payment of all amounts owed, or to
9 enter into a payment plan, or answer the Complaint, Plaintiffs will request entry of Default and file
10 a Motion for Default Judgment.

11 7. Therefore, Plaintiffs respectfully request that the Case Management Conference be
12 continued for approximately ninety (90) days in order to allow for service and for sufficient time
13 to attempt resolution of this matter.

14 8. There are no issues that need to be addressed by this Court at the currently
15 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
16 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
17 Case Management Conference.

18 9. Plaintiffs recognize that a case management conference statement is due seven days
19 in advance of the case management conference date and that the statement must include all
20 elements requested in the "Standing Order for All Judges of the Northern District of California –
21 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court
22 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

23 Dated: February 5, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

24
25 By: _____ /s/
26 Muriel B. Kaplan
27 Attorneys for Plaintiffs
28

1 IT IS SO ORDERED.

2 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
3 Management Conference is hereby continued to May 10, 2013, and all related deadlines are
4 extended accordingly. The parties are DIRECTED to file a Joint Case Management Statement no
later than May 3, 2013.

5 Date: February 7, 2013


THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT COURT

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