

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

6 Attorneys for Plaintiffs

7  
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.: C12-5862 TEH

12 Plaintiffs,

**PLAINTIFFS' REQUEST FOR  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE; and  
 13 ~~PROPOSED~~ ORDER THEREON**

13 v.

14 CONTERRA GROUP, INC., a California  
 corporation; and JAVIER CONCEPCION  
 15 HERRERA, an individual,

Date: Monday, February 25, 2013  
 Time: 1:30 p.m.  
 Ctrm: 12, 19th Floor  
 450 Golden Gate Avenue  
 San Francisco, California  
 Judge: The Honorable Thelton E. Henderson

16 Defendants.

17  
 18 Plaintiffs respectfully request that the Case Management Conference scheduled for  
 19 February 25, 2013, at 1:30 p.m., be continued for approximately 30 – 45 days, as follows:

20 1. As the Court's records will reflect, this action was filed on November 15, 2012 to  
 21 compel Defendants to comply with the terms of their Collective Bargaining Agreement.

22 2. At Defendant's request, a payment plan in the form of a stipulated judgment was  
 23 drafted and sent to Defendants for execution. The payment plan included all amounts owed from  
 24 Defendants to Plaintiffs Trust Funds.

25 3. However, Defendants did not execute the payment plan, but instead, advised they  
 26 would make a lump sum payment. The parties then failed to agree upon a settlement amount.

27 4. Defendants recently retained counsel and both parties are now close to finalizing a  
 28 payment plan.

1           5.       Therefore, Plaintiffs respectfully request that the Case Management Conference be  
2 continued for approximately 30 – 45 days in order to allow sufficient time for both parties to  
3 finalize and execute the payment plan.

4           6.       There are no issues that need to be addressed by this Court at the currently  
5 scheduled Case Management Conference. In the interest of conserving costs as well as the Court’s  
6 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled  
7 Case Management Conference.

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

13 Dated: February 15, 2013

**SALTZMAN & JOHNSON  
LAW CORPORATION**

14  
15 By: \_\_\_\_\_ /s/  
16 Michele R. Stafford  
17 Attorneys for Plaintiffs

18 IT IS SO ORDERED.

19           Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
20 Management Conference is hereby continued to 04/08/2013, and all related deadlines are  
21 extended accordingly.

22 Date: 02/19/2013

23  
24 THE HONORABLE THELTON E. HENDERSON  
25 UNITED STATES DISTRICT COURT  
26  
27   
28 Judge Thelton E. Henderson  
NORTHERN DISTRICT OF CALIFORNIA