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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

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

12 Plaintiffs,

13 v.

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

Date: Monday, April 8, 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.

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 18 Plaintiffs respectfully request that the Case Management Conference scheduled for
 19 Monday, April 8, 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. Plaintiffs did not serve Defendants with the summons and complaint package
 23 because Defendants requested a payment plan. A payment plan in the form of a stipulated
 24 judgment was drafted and sent to Defendants for execution. The payment plan included all
 25 amounts owed from Defendants to Plaintiffs Trust Funds.

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

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1 4. Defendants recently retained counsel and both parties are now negotiating a
2 settlement.

3 5. Therefore, Plaintiffs respectfully request that the Case Management Conference be
4 continued for approximately 30 – 45 days in order to allow sufficient time for both parties to
5 resolve this matter.

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

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

15 Dated: March 25, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

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17 By: _____ /s/
18 Michele R. Stafford
19 Attorneys for Plaintiffs

20 IT IS SO ORDERED.

21 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
22 Management Conference is hereby continued to 05/13/2013 @ 1:30 p.m. and all related deadlines are
23 extended accordingly.

24 Date: 04/01/2013

25 THE HONORABLE THELTON E. HENDERSON
26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA



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