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7  
 8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS  
 PENSION TRUST FUND, et al.

Case No.: C12-6162 MMC

11 Plaintiffs,

12 v.

**REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE;  
 PLAINTIFFS' CASE MANAGEMENT  
 CONFERENCE STATEMENT;  
 [PROPOSED] ORDER THEREON**

13 RHODES PAINTING & DECORATING,  
 INC. *aka* RHODES PAINTING, a  
 14 California Corporation; and LANETT  
 FERGUSON, an Individual,

Date: ~~June 14, 2013~~

Time: 10:30 a.m.

Dept.: 7, 19<sup>th</sup> Floor, San Francisco, CA

Judge: The Honorable Maxine M. Chesney

15 Defendants.  
 16

17  
 18 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
 19 Case Management Conference, currently on calendar for June 14, 2013 be continued for 60-90  
 20 days. Good cause exists for the continuance, as follows:

21 1. As the Court's records will reflect, this action was filed on December 5, 2012.  
 22 Service on Defendants was effectuated on December 19, 2012, and A Proof of Service of  
 23 Summons on was filed with the Court on January 2, 2013 [Dkt. #10]. Defendants failed to plead or  
 24 otherwise respond to the lawsuit, and the Clerk entered default as to both Defendants on January  
 25 17, 2013 [Dkt. #12].

26 2. As permitted by the Collective Bargaining and Trust Agreements, Plaintiffs  
 27 conducted an audit of Defendants' payroll records for the time period October 1, 2009 through  
 28 December 31, 2012. The Court continued the previous Case Management Conference to allow

1 time for the auditors to review the audit and complete their report. The auditors were experiencing  
2 difficulty in obtaining documents.

3 3. Since then, the auditors completed a draft report on or about May 29, 2013, which  
4 was sent to Defendants today for review. If Defendants do not contest the audit, the report will be  
5 considered final, and payment shall be due within ten (10) days of the date the audit is billed.

6 4. Should Defendants disagree with the findings, the Trust Funds' policies allow  
7 Defendants until June 18, 2013, two weeks following the date the report was sent, to submit a  
8 written statement of contention, together with all documentation necessary to support Defendants'  
9 position. If the audit is contested, and Defendants provide documentation in support of the dispute,  
10 Defendants shall be notified as to whether revisions will be made to the audit. If revisions are not  
11 made, payment will be immediately due. If revisions are made to said audit as a result of the  
12 dispute, payment in full of the revised amount shall be due within ten (10) days of the revised  
13 billing.

14 5. Based on the foregoing, Plaintiffs respectfully request that the Case Management  
15 Conference, currently scheduled for June 14, 2013, be continued for 60-90 days to allow time for  
16 the audit to be finalized, and for the parties to discuss payment of all amounts due. If Defendant  
17 does not agree to a payment plan, a Motion for Default Judgment will be filed.

18 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
19 entitled action, and that the foregoing is true of my own knowledge.

20 Executed this 4th day of June, 2013, at San Francisco, California.

21 SALTZMAN & JOHNSON  
22 LAW CORPORATION

23 By: \_\_\_\_\_/S/  
Michele R. Stafford  
Attorneys for Plaintiffs

24 IT IS SO ORDERED.

25 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management  
26 Conference is hereby continued to Sept. 13, 2013. All related deadlines are extended accordingly

27 Date: June 10, 2013

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THE HONORABLE MAXINE M. CHESNEY