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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE, et al.,

Plaintiffs,

v.

APOSHIAN EXCAVATING COMPANY,
 INC., a Utah Corporation,

Defendant.

Case No.: C13-0363 TEH

**PLAINTIFFS' REQUEST TO CONTINUE
 CASE MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER THEREON**

Date: May 6, 2013
 Time: 1:30 p.m.
 Location: 450 Golden Gate Ave.
 San Francisco
 Courtroom: 12, 19th Floor,
 Judge: Honorable Thelton E. Henderson

Plaintiffs herein respectfully submit their request that the Case Management Conference, currently on calendar for May 6, 2013, be continued for approximately 60 – 90 days. Good cause exists for the granting of the continuance, as follows:

1. As the Court's records will reflect, this action was filed on January 25, 2013.
2. David Aposhian, President and Agent for Service of Process for Defendant Aposhian Excavating Company, Inc., told Plaintiffs' counsel that he would agree to acknowledge service of the Summons and Complaint, and enter into a Judgment Pursuant to Stipulation ("Stipulation") on behalf of Defendant, and as an individual guarantor, relative to all amounts currently known to be due and owing to Plaintiffs. A draft Stipulation was emailed and mailed to Defendant, care of Mr. Aposhian, on February 4, 2013.
3. Mr. Aposhian has since refused to sign the proposed Stipulation, and failed to acknowledge service of process.

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4. On or about February 20, 2013, the Summons, Complaint and related documents were provided to a process server with the instructions to serve the documents upon Defendant. The process server made 6 attempts to serve Mr. Aposhian, but to no avail.

5. Plaintiffs have diligently attempted to effectuate service of process on Defendant on an ongoing basis since February 20, 2013. Additional attempts to locate and personally serve Defendant, with the assistance of a private investigator, are in progress. Should Plaintiffs not be able to locate and serve Defendant by way of its agent, Plaintiffs anticipate promptly filing a motion to serve Defendant by publication or other alternative means.

6. Accordingly, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for May 6, 2013, be continued for 60 - 90 days to allow for completion of service of process on Defendant.

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

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

Executed this 25th day of April, 2013, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

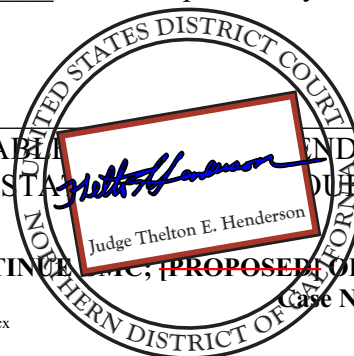
By: _____ /S/
Shivani Nanda
Attorneys for Plaintiffs

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to
July 29, 2013 at 1:30 PM, and all previously set deadlines and
dates related to this case are continued accordingly.

Date: 04/26/2013

HONORABLE _____ HENDERSON
UNITED STATES DISTRICT COURT JUDGE



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