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 8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F.G. CROSTHWAITE, et al.,
 11 Plaintiffs,
 12 v.
 13 APOSHIAN EXCAVATING COMPANY,
 INC., a Utah Corporation,
 14 Defendant.

Case No.: C13-0363 TEH

REQUEST TO VACATE CASE MANAGEMENT CONFERENCE;

or in the alternative, REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;

DECLARATION OF SHIVANI NANDA IN SUPPORT THEREOF

16 Date: January 13, 2014
 17 Time: 1:30 p.m.
 Location: 450 Golden Gate Ave.
 San Francisco
 18 Courtroom: 12, 19th Floor,
 19 Judge: Honorable Thelton E. Henderson

20 Plaintiffs respectfully request that the Case Management Conference scheduled for
 21 January 13, 2014, be vacated, as follows::

- 22 1. As the Court’s records will reflect, this action was filed on January 25, 2013.
- 23 2. Service on Defendant was completed on October 4, 2013, and a Proof of Service of
 24 Summons was filed with the Court on October 18, 2013 (Dkt. #26).
- 25 3. The Court continued the previous Case Management Conference, set for October
 26 28, 2013, to allow time for Defendant to respond to the lawsuit.
- 27 4. On November 5, 2013, the Court entered Defendant’s default (Dkt. #32). Plaintiffs
 28 served a copy of the Court’s notice of default entry on Defendant and filed a Proof of Service with

1 the Court on November 6, 2013 (Dkt. #33).

2 5. The parties have been in contact on numerous occasions to discuss resolution of
3 this action. At Defendant's request, Plaintiffs prepared and sent Defendant a revised proposed
4 Judgment Pursuant to Stipulation ("Stipulation") providing for a monthly payment plan to allow
5 Defendant to bring his account current. However, Defendant has not signed the Stipulation to date.

6 6. Plaintiffs have substantially drafted a Motion for Default Judgment and expect to
7 have the complete Motion filed with the Court within ten (10) days. Plaintiffs will be noticing the
8 Motion for hearing on February 17, 2013, or as soon thereafter as counsel may be heard.

9 7. There is nothing for the Court to consider at this time. Therefore, Plaintiffs
10 respectfully request that the Court vacate the Case Management Conference, or in the alternative,
11 continue the Case Management Conference to coincide with the date of the Motion for Default
12 Judgment hearing.

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