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6 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 F. G. CROSTHWAITE, et al.,
 10 Plaintiffs,
 11 v.
 12 TIM KRUSE CONSTRUCTION, INC., a
 California Corporation,
 13 Defendant.
 14
 15

Case No.: C13-0496 JSW

**PLAINTIFFS' REQUEST FOR
 CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE; and
 [PROPOSED] ORDER THEREON**

Date: Friday, August 9, 2013
 Time: 1:30 p.m.
 Ctrm: 11, 19th Floor
 450 Golden Gate Avenue
 San Francisco, California
 Judge: The Honorable Jeffrey S. White

16 Plaintiffs respectfully request that the Case Management Conference scheduled for August
 17 9, 2013, at 1:30 p.m., be continued for approximately thirty (30) days, as follows:

18 1. As the Court's records will reflect, this action was filed on February 5, 2013 to
 19 compel Defendant to comply with the terms of its Collective Bargaining Agreement.

20 2. Plaintiffs served the complaint, summons, and court documents on Defendant on
 21 February 22, 2013. Defendant failed to answer by the March 15, 2013 deadline, and Plaintiffs
 22 requested Entry of Default, which was entered by the court on March 29, 2013. Thereafter,
 23 discussion between the parties began.

24 3. Defendant asked for time to review its records regarding amounts due to Plaintiffs.
 25 Plaintiffs requested a continuance of the Case Management Conference on May 3, 2013 (Dkt. No.
 26 16) to allow that time, and the Court granted Plaintiffs' request and issued an order continuing the
 27 Case Management Conference to August 9, 2013 (Dkt. No. 17).

28 4. Defendant has failed to contact Plaintiffs' counsel despite having been given time

1 to review its records, and upon a follow-up by Plaintiffs' counsel, indicated that it would be filing
2 for bankruptcy. No bankruptcy has been filed by Defendant to date, and check stubs received by
3 Plaintiffs' administrative office prove that Defendant does owe unpaid contributions for hours
4 worked by its employees to Plaintiffs.

5 5. Plaintiffs' counsel will again contact Defendant in an attempt to resolve this matter.
6 In the event that Defendant fails to provide its reports and payment of all amounts owed, or to
7 enter into a payment plan, Plaintiffs will file a Motion for Default Judgment.

8 6. There are no issues that need to be addressed by this Court at the currently
9 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
10 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
11 Case Management Conference for approximately thirty (30) days, in order to allow for sufficient
12 time to attempt resolution of this matter.

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

18 Dated: August 2, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

19
20 By: _____ /S/
Muriel B. Kaplan
21 Attorneys for Plaintiffs

22 IT IS SO ORDERED.

23 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
24 Management Conference is hereby continued to October 11, 2013, and all related deadlines are
25 extended accordingly.

26 Date: August 6, 2013



27 THE HONORABLE JEFFREY S. WHITE
28 UNITED STATES DISTRICT COURT

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PROOF OF SERVICE

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **August 2, 2013**, I served the following document(s):

**PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT
CONFERENCE; and [PROPOSED] ORDER THEREON**

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and First Class mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and mailed as follows:

Tim Kruse Construction, Inc.
c/o Tim Kruse
Agent for Service of Process
2824 Roven Ct.
West Sacramento, CA 95691

Tim Kruse Construction, Inc.
550 Drever St.
West Sacramento, CA 95691

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **August 2, 2013**, at San Francisco, California.

_____/S/
Alicia Rutkowski
Paralegal