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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.

Case No.: C13-0496 JSW

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

Date: Friday, October 11, 2013

Time: 1:30 p.m.

Ctrm: 11, 19th Floor

450 Golden Gate Avenue

San Francisco, California

Judge: The Honorable Jeffrey S. White

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 17 Plaintiffs respectfully request that the Case Management Conference scheduled for
 18 October 11, 2013, at 1:30 p.m., be continued for approximately thirty (30) days, as follows:

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

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

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

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 REQUEST TO CONTINUE CMC
 Case No.: C13-00496 JSW

1 4. Plaintiffs requested an additional continuance of the Case Management Conference
2 on August 2, 2013 (Dkt. No. 19), and the Court granted Plaintiffs' request and issued an order
3 continuing the Case Management Conference to October 11, 2013 (Dkt. No. 20).

4 5. Defendant has failed to contact Plaintiffs' counsel despite having been given time
5 to review its records, and upon a follow-up by Plaintiffs' counsel, indicated that it would be filing
6 for bankruptcy. No bankruptcy has been filed by Defendant to date, and check stubs received by
7 Plaintiffs' administrative office prove that Defendant does owe unpaid contributions for hours
8 worked by its employees to Plaintiffs.

9 6. Plaintiffs' counsel again attempted to contact Defendant before incurring further
10 expense in continuing legal action, in an attempt to resolve this matter. Defendant was out of the
11 office and has not responded to the message left for a return call. In the event that Defendant fails
12 to respond and provide its reports and payment of all amounts owed, or to enter into a payment
13 plan, Plaintiffs will file a Motion for Default Judgment and Order to Compel Compliance.

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

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

24 Dated: October 4, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

25
26 By: _____ /S/

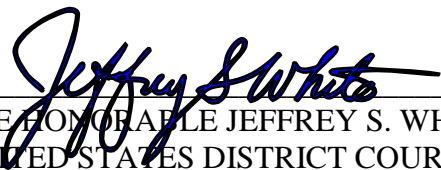
Muriel B. Kaplan
Attorneys for Plaintiffs

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1 IT IS SO ORDERED.

2 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
3 Management Conference is hereby continued to November 15, 2013 and all related deadlines are
4 extended accordingly.

5 Date: October 8, 2013



6 THE HONORABLE JEFFREY S. WHITE
7 UNITED STATES DISTRICT COURT
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