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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

Case No.: C13-0496 JSW

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

Date: Friday, January 10, 2014
 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 January 10, 2014, at 1:30 p.m., be continued for approximately ninety (90) 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).

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. Plaintiffs' counsel again attempted to contact Defendant before incurring further
5 expense in continuing legal action and in an attempt to resolve this matter. Defendant was out of
6 the office, so Plaintiffs left a message for Defendant requesting contact. In hopes of reaching a
7 resolution with Defendant, Plaintiffs requested another continuance of the Case Management
8 Conference on October 4, 2013 (Dkt. No. 22). The Court granted Plaintiffs' request and issued an
9 order continuing the Case Management Conference to November 15, 2013 (Dkt. No. 23).

10 6. Defendant contacted Plaintiffs' counsel, requested a payment plan for amounts due
11 to Plaintiffs, and submitted all the documentation necessary for preparation of the same. Plaintiffs
12 requested another continuance of the Case Management Conference on November 7, 2013 (Dkt.
13 No. 25), to allow for sufficient time to draft and file a Judgment Pursuant to Stipulation. The Court
14 granted Plaintiffs' request and issued an order continuing the Case Management Conference to
15 January 10, 2013 (Dkt. No. 26).

16 7. Plaintiffs prepared a Judgment Pursuant to Stipulation and sent it to Defendant for
17 execution on November 8, 2013, but Defendant has failed to sign the Stipulation. Plaintiffs will
18 now prepare a Motion for Default Judgment and therefore request another continuance of the Case
19 Management Conference.

20 8. There are no issues that need to be addressed by this Court at the currently
21 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
22 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
23 Case Management Conference for approximately ninety (90) days, in order to allow for sufficient
24 time for Plaintiffs to prepare and file a Motion for Default Judgment.

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

6 Dated: January 2, 2014

**SALTZMAN & JOHNSON
LAW CORPORATION**

7
8 By: _____ /S/
Michele R. Stafford
9 Attorneys for Plaintiffs

10
11 IT IS SO ORDERED.

12 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
13 Management Conference is hereby continued to February 21, 2014, and all related deadlines are
14 extended accordingly. The case management conference will be vacated if Plaintiffs file their motion
for default judgment by February 14, 2014.

15 Date: January 3, 2014


16 THE HONORABLE JEFFREY S. WHITE
17 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 **January 2, 2014**, 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 **January 2, 2014**, at San Francisco, California.

_____/S/
Alicia Rutkowski
Paralegal