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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS  
 PENSION TRUST FUND, et al.

Case No.: C13-1782 SC

11 Plaintiffs,

**REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE;  
 PLAINTIFFS' CASE MANAGEMENT  
 CONFERENCE STATEMENT;  
 [PROPOSED] ORDER THEREON**

12 v.

13 SPECTRUM PAINTING & DECORATING,  
 INC., a California corporation, *aka*  
 14 SPECTRUM PAINTING; and DAVID MIN  
 HANG CHAN, individually,

Date: July 26, 2013

Time: 10:00 a.m.

Dept.: 1, 17<sup>th</sup> Floor, San Francisco, CA

Judge: The Honorable Samuel Conti

15 Defendants.

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18 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the  
 19 Case Management Conference, currently on calendar for July 26, 2013 be continued for 90 days.  
 20 Good cause exists for the continuance, as follows:

21 1. As the Court's records will reflect, this action was filed on April 19, 2013. The  
 22 Defendants were served on May 10, 2013, and a Proof of Service of Summons was filed with the  
 23 Court on May 20, 2013 (Dkt. #11). Defendants failed to plead or otherwise respond to the lawsuit,  
 24 and the Clerk entered default as to both Defendants on July 8, 2013 (Dkt. #16).

25 2. The parties have been in contact to discuss resolution of this matter. Defendants  
 26 submitted contribution reports stating that they had no employees during the time period  
 27 December 2012 through May 2013. However, one of Defendants' employees submitted paystubs  
 28 to the Plaintiff Trust Funds' administrator indicating that contributions are owed for hours worked

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 REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

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1 during December 2012.

2 3. In order to evaluate the December 2012 discrepancy, and in accordance with the  
3 Collective Bargaining Agreement, the Trust Funds have requested an audit of Defendants' payroll  
4 records in order to confirm proper reporting and payment of contributions. (*See also Complaint,*  
5 ¶18 and *Complaint, Prayer ¶2.*) This audit should take place within the next thirty days. A notice  
6 requesting an audit was sent to Defendants on July 10, 2013. Defendants have yet to respond.

7 4. Based on the foregoing, Plaintiffs respectfully request that the Case Management  
8 Conference, currently scheduled for July 26, 2013, be continued for 90 days to allow time for the  
9 audit to be conducted and finalized, and for the parties to discuss payment of all amounts due. If  
10 Defendant does not submit payment or agree to a payment plan, a Motion for Default Judgment  
11 will be filed.

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

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

18 Executed this 19th day of July, 2013, at San Francisco, California.

19 SALTZMAN & JOHNSON  
20 LAW CORPORATION

21 By: \_\_\_\_\_ /S/  
Muriel B. Kaplan  
Attorneys for Plaintiffs

22 IT IS SO ORDERED.

23 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management  
24 Conference is hereby continued to Friday, October 25, 2013 at 10:00 a.m. All related deadlines are  
25 extended accordingly

26 Date: \_\_\_\_\_ 07/22/2013

