Muriel B. Kaplan, Esq. (SBN 124607) Erica J. Russell, Esq. (SBN 274494) SALTZMAN & JOHNSON LAW CORPORATION 44 Montgomery Street, Suite 2110 3 San Francisco, CA 94104 (415) 882-7900 (415) 882-9287 – Facsimile mkaplan@sjlawcorp.com 5 erussell@silawcorp.com Attorneys for Plaintiffs 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA BAY AREA PAINTERS AND TAPERS Case No.: C13-1782 SC PENSION TRUST FUND, et al. 11 REQUEST TO CONTINUE CASE Plaintiffs, **MANAGEMENT CONFERENCE;** 12 PLAINTIFFS' CASE MANAGEMENT v. CONFERENCE STATEMENT: 13 SPECTRUM PAINTING & DECORATING, [PROPOSED] ORDER THEREON INC., a California corporation, aka SPECTRUM PAINTING; and DAVID MIN Date: October 25, 2013 14 Time: 10:00 a.m. HANG CHAN, individually, Dept.: 1, 17th Floor, San Francisco, CA 15 Defendants. Judge: The Honorable Samuel Conti 16 17 18 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the 19 Case Management Conference, currently on calendar for October 25, 2013 be continued for 90 20 days. 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 to collect 22 unpaid contributions owed to Plaintiffs for work performed by Defendants' employees. The 23 Defendants were served on May 10, 2013, and a Proof of Service of Summons was filed with the 24 Court on May 20, 2013 (Dkt. #11). Defendants failed to plead or otherwise respond to the lawsuit, 25 and the Clerk entered default as to both Defendants on July 8, 2013 (Dkt. #16). 26 2. Some payments were made, however Defendants failed to provide contribution reports for additional months. Furthermore, while Defendants submitted contribution reports 27

stating that they had "no employees" during the time period December 2012 through May 2013,

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

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one of Defendants' employees submitted paystubs to Plaintiffs Trust Funds' administrator indicating that contributions are owed for hours worked during December 2012, contrary to Defendant's report of no employees.

- 3. Plaintiffs have, therefore, requested an audit of Defendants' payroll records in order to confirm proper reporting and payment of contributions. (See Complaint, ¶18 and Complaint, Prayer ¶2.)
- 4. The initial audit of Defendants' payroll records took place on September 17, 2013, however the audit could not be completed as additional documentation was needed from Defendants.
- 5. Plaintiffs' auditor has advised that they requested the remaining necessary documentation from Defendants on September 23, 2013 but have received no response. Defendants have not yet provided the documents necessary to complete the audit of their payroll records. Plaintiffs will, therefore, file a Motion for Default Judgment for any amounts known or estimated to be due according to Plaintiffs Trust Funds' procedures, for any amounts found due on audit according to proof, and for an Order that Defendants comply with the audit procedure according to the terms of its Collective Bargaining Agreement and the Trust Agreements incorporated therein.
- 6. Based on the foregoing, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for October 25, 2013, be continued for 90 days to allow time for Plaintiffs to file their Motion for Default Judgment or, if Defendants provide the requested documentation, for the audit to be completed and finalized and an audit report issued, for the parties to discuss the audit report, and for Plaintiffs to obtain payment of any amounts due.

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1	7. There are still no issues that need to be addressed by the parties at the currently
2	scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's
3	time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
4	Case Management Conference.
5	I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
6	entitled action, and that the foregoing is true of my own knowledge.
7	Executed this 18th day of October 2013, at San Francisco, California.
8	SALTZMAN & JOHNSON LAW CORPORATION
	By:/S/ Erica J. Russell
10	Attorneys for Plaintiffs
11	IT IS SO ORDERED
12	IT IS SO ORDERED.
13	Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to 01/24/2014. All related deadlines are extended accordingly
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15	Date: 10/22/2013 UNIZED STATES DISTRICT JUDGE
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