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6 Attorneys for Plaintiffs

* Counsel is hereby DIRECTED to appear at 9:00 am on December 13, 2013 for the hearing on plaintiffs' Motion for Default Judgment.

Dated: December 10, 2013

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SHOP IRONWORKERS LOCAL 790
PENSION TRUST, et al.,

Case No: C13-2275 MMC

11 Plaintiffs,

REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING; DECLARATION OF ERICA J. RUSSELL IN SUPPORT THEREOF;

12 v.

[PROPOSED] ORDER THEREON

13 ABS MANUFACTURERS, INC., et al.,

14 Defendant.

Date: December 13, 2013
Time: 9:00 a.m.
Ctrm: 7, 19th Floor
450 Golden Gate Avenue
San Francisco, California 94102
Judge: The Honorable Maxine M. Chesney

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19 I, Erica J. Russell, declare:

20 1. I am an attorney at law licensed to practice in the State of California, and am an
21 associate of Saltzman and Johnson Law Corporation, attorneys for Plaintiffs herein.

22 2. I submit this Declaration in support of Plaintiffs' pending Motion for Default
23 Judgment against Defendant, filed on November 1, 2013.

24 3. I am requesting that the Motion for Default Judgment be granted based on the
25 papers without the necessity of a hearing, and that the hearing date presently set for December 13,
26 2013 at 9:00 a.m. before the Honorable Maxine M. Chesney, be vacated.

27 4. The Notice of Motion and Motion for Default Judgment were served upon
28 Defendant by first class mail on November 1, 2013, and thus Plaintiffs have exercised due

REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING; DECL. IN SUPPORT
Case No.: C13-2275 MMC

1 diligence. Defendant's deadline for filing any Opposition to the Motion for Default Judgment by
2 November 15, 2013 has passed, and Defendant has not made an appearance in this matter.

3 5. In the interest of conserving costs as well as the Court's time and resources,
4 Plaintiffs respectfully request that the Motion for Default Judgment be ruled on the papers without
5 the necessity of a hearing, particularly in light of the fact that collection is uncertain. As attorneys'
6 fees and costs are "out of pocket," Plaintiffs are attempting to keep fees (and thus the Trust Funds'
7 loss) at a minimum.

8 6. ABS Manufacturers, Inc., as a corporate Defendant, is not an infant, incompetent
9 person, or in the military service of the United States or otherwise exempted under the
10 Servicemembers Civil Relief Act of 2003.

11 I declare under penalty of perjury that the foregoing is true of my own knowledge and if
12 called upon I could competently testify thereto.

13 Executed this 22nd day of November 2013, at San Francisco, California.

14 SALTZMAN & JOHNSON
15 LAW CORPORATION

16 By: _____ /S/
17 Erica J. Russell
18 Attorneys for Plaintiffs

18 IT IS SO ORDERED.

19 BASED ON THE FOREGOING and GOOD CAUSE APPEARING, Plaintiffs' Motion for
20 Default Judgment is GRANTED, and the hearing or said Motion, presently set for December 13,
21 2013 at 9:00 a.m., before the Honorable Maxine M. Chesney, is hereby vacated.

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23 Dated: _____
24 HONORABLE MAXINE M. CHESNEY
25 UNITED STATES DISTRICT JUDGE
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