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**Justin D. Harris, #199112  
MOTSCHIEDLER, MICHAELIDES,  
WISHON, BREWER & RYAN, LLP  
1690 West Shaw Avenue, Suite 200  
Fresno, California 93711  
Telephone (559) 439-4000  
Facsimile (559) 439-5654**

Attorneys for Defendants JOHN HALOPOFF SR.;  
HALOPOFF & SONS, INC.; DAVID HALOPOFF;  
and JOHN HALOPOFF JR.

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

DAVID HALOPOFF, individuals; DAVID HALOPOFF, individually and doing business as HALOPOFF & SONS, INC.; JOHN HALOPOFF, Jr., individually; JOHN HALOPOFF, Jr., individually and doing business as HALOPOFF & SONS, INC.; JOHN HALOPOFF, Sr., individually; JOHN HALOPOFF, Sr., individually and doing business as HALOPOFF & SONS, INC.; HALOPOFF & SONS, INC.; and DOES 1 through 10,

Defendants.

Civil Action No. 13-cv-05329 EDL

**REQUEST TO APPEAR  
TELEPHONICALLY AT CASE  
MANAGEMENT CONFERENCE;  
and ~~PROPOSED~~ ORDER**

**Date: March 3, 2015**

**Time: 10:00 a.m.**

**Magistrate Judge Elizabeth D. LaPorte**

///

1 Counsel for Defendants John Halopoff, Sr. and Halopoff & Sons, Inc.,  
2 (collectively "**Defendants**"), Justin D. Harris, respectfully requests permission to appear  
3 telephonically at the case management conference scheduled for March 3, 2015 at 10:00  
4 a.m. for the following reasons:

5 1. Defendants have very limited resources. Defendant Halopoff &  
6 Sons, Inc. is no longer in business and has vacated the office building it once occupied.  
7 Defendants' counsel will need to travel from Fresno, California to San Francisco,  
8 California to attend the case management conference. Defendants would prefer to  
9 devote their limited resources to resolution of the dispute rather than paying their  
10 attorney to travel.

11 2. Counsel also has a hearing in Fresno Superior Court at 8:30 a.m.,  
12 the same day.

13 Accordingly, Defendants request permission for their counsel to appear  
14 telephonically at the case management conference and request that the Court sign the  
15 proposed order provided herewith.

16  
17 Dated: February 25, 2015

MOTSCHIEDLER, MICHAELIDES,  
WISHON, BREWER & RYAN, LLP

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20 By: 

Justin D. Harris, Attorneys for  
Defendants JOHN HALOPOFF SR.;  
HALOPOFF & SONS, INC.; DAVID  
HALOPOFF; and JOHN HALOPOFF JR.

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**ORDER**

Defendants' counsel, Justin D. Harris, may appear telephonically at the case management conference. Defendants' counsel can be reached at 559-696-1294, which is a direct line.

IT IS SO ORDERED.

DATED: February 26, 2015

  
Elijah R. D. Lepore  
Judge of the District Court