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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

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Plaintiffs,

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v.

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J.F. McCRAY PLASTERING, INC., a
15 California Corporation,

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Defendant.

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Case No.: C14-0604 SI

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

Date: August 22, 2014

Time: 2:30 p.m.,

Dept.: Courtroom 10, 19th Floor, San
Francisco, CA

Judge: Honorable Susan Illston

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Plaintiffs herein respectfully request that the Case Management Conference, currently on calendar for August 22, 2014 be continued for approximately sixty (60) days. Good cause exists for the continuance, as follows:

1. As the Court's records will reflect, this action was filed on February 7, 2014 to collect unpaid contributions and related amounts owed to Plaintiffs for work performed by Defendant's employees.

2. Defendant was served with the Complaint on March 12, 2014, and a Proof of Service of Summons was filed with the Court on March 31, 2014. Defendant failed to plead or otherwise respond to the lawsuit, and the Clerk entered Defendant's default on April 7, 2014.

3. The Court continued the previously scheduled Case Management Conference to allow time for the parties to attempt to resolve this matter informally.

1 4. Since then, based on information provided by Defendant, Plaintiffs have collected
2 payments for some of Defendant's delinquent contributions directly from general contractors, and
3 additional payments are expected based on releases issued for specified amounts.

4 5. Plaintiffs also became aware that Defendant may have a valid Wage and Fringe
5 Benefit Responsibility Bond for the delinquent time period. Plaintiffs made a claim on that bond
6 and are awaiting a response from the surety.

7 6. Plaintiffs' counsel anticipates being able to collect Defendant's remaining
8 delinquent contributions from either general contractors and/or the surety.

9 7. In the event Plaintiffs have not collected any portion of Defendant's delinquent
10 contributions from other sources within thirty (30) days, Plaintiffs will make a final request to
11 Defendant for its payment of the remaining contributions due, as well as the other amounts due to
12 Plaintiffs, including attorneys' fees and costs, liquidated damages, and interest on the delinquent
13 contributions. Should Defendant fail to remit either payment to Plaintiffs by the requested date,
14 Plaintiffs will prepare and file a Motion for Default Judgment with the Court.

15 8. There are no issues that need to be addressed by the parties at the currently
16 scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's
17 time and resources, Plaintiffs respectfully request that the Case Management Conference be
18 continued for approximately sixty (60) days to allow sufficient time for the parties to resolve this

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1 matter informally, for Plaintiffs to otherwise prepare and file a Motion for Default Judgment.

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

4 Executed this 15th day of August, 2014, at San Francisco, California.

5 SALTZMAN & JOHNSON
6 LAW CORPORATION

7 By: _____ /S/
8 Muriel B. Kaplan
9 Attorney for Plaintiffs

10 IT IS SO ORDERED.

11 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management
12 Conference is hereby continued to 11/14/14, at 2:30 pmAll related deadlines are extended
13 accordingly

14 Date: 8/18/14



15 UNITED STATES DISTRICT JUDGE

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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 **August 15, 2014**, I served the following document(s):

**PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;
[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:

**J.F. McCray Plastering, Inc.
2590 South River Road
West Sacramento, CA 25691**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **August 15, 2014**, at San Francisco, California.

_____/S/
Elise Cotterill
Paralegal