

1 Ronald L. Richman, SBN 139189
 Susan J. Olson, SBN 152467
 2 Edward D. Winchester, SBN 271500
 Bullivant Houser Bailey PC
 3 601 California Street, Suite 1800
 San Francisco, California 94108
 4 Telephone: 415.352.2700
 Facsimile: 415.352.2701
 5 E-Mail: ron.richman@bullivant.com
 susan.olson@bullivant.com
 6 edward.winchester@bullivant.com

7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 12 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 13 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 14 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 15 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 16 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 DOUGLAS BUILT CONSTRUCTION, INC.,
 a California corporation; and JOEL
 21 DOUGLAS, an individual,

22 Defendants.

Case No.: 3:14-cv-01692-EMC

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE;
 ORDER THEREON**

Date: September 4, 2014
 Time: 1:30 p.m.
 Ctroom: 5, 17th Floor
 Hon. Edward M. Chen

Case No.: 3:14-cv-01694-EMC

24 BOARD OF TRUSTEES OF THE CEMENT
 MASONS HEALTH AND WELFARE TRUST
 FUND FOR NORTHERN CALIFORNIA;
 25 BOARD OF TRUSTEES OF THE CEMENT
 MASONS VACATION-HOLIDAY TRUST
 26 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 27 MASONS PENSION TRUST FUND FOR
 NORTHERN CALIFORNIA; AND BOARD
 28 OF TRUSTEES OF THE CEMENT MASONS
 TRAINING TRUST FUND FOR NORTHERN

1 CALIFORNIA,
2
3 Plaintiffs,
4 vs.
5 DOUGLAS BUILT CONSTRUCTION, INC.,
6 a California corporation; and JOEL
7 DOUGLAS, an individual,
8 Defendants.

9 STIPULATION

10 IT IS HEREBY STIPULATED by and between the parties, through their respective
11 counsel and representatives, that this Court continue the September 4, 2014 case management
12 conference for thirty (30) days, based on the following.

13 On April 11, 2014, Plaintiffs Laborers Trust Funds filed their Complaint for Damages
14 for Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions,
15 for Breach of Fiduciary Duty and for a Mandatory Injunction ("Complaint"). The Complaint
16 was served on Defendants. Defendants filed an Answer.

17 On April 11, 2014, the Cement Masons Trust Funds filed a similar Complaint against
18 Defendants in the USDC, Northern District, Case No.: 3:14-cv-01694-RS. The Cement
19 Masons Trust Funds are also represented by Bullivant Houser Bailey PC. The Complaint was
20 served on Defendants. Defendants filed an Answer.

21 On August 6, 2014 counsel for Defendants in both actions filed their Motion to
22 Withdraw. Hearing on the Motion to Withdraw is set for September 4, 2014. The parties
23 anticipate that this Court will grant the motion. This leaves Defendant Douglas Built
24 Construction, Inc. without counsel.

25 On August 11, 2014, this Court issued an Order consolidating the Laborers Trust Fund
26 and Cement Masons Trust Fund cases.

27 Defendant Joel Douglas and Plaintiffs are in direct communication and are attempting to
28 resolve portions, if not all, of the underlying dispute. A portion of the outstanding contributions
due the Laborers Trust Funds and Cement Masons Trust Funds are due and owing on a project

1 undertaken by Douglas Built Construction, Inc. known as El Camino Street & Sidewalk
2 Improvement. McGuire & Hester, the general contractor, hired Douglas Built Construction, Inc.
3 as a subcontractor. McGuire & Hester required Douglas Built Construction, Inc. to post a
4 payment bond for the project. Travelers issued the payment bond on the Project. The Laborers
5 Trust Funds and Cement Masons Trust Funds are in negotiations with Travelers in an attempt to
6 recover the outstanding trust fund contributions attributable to this Project.

7 In addition to the negotiations with Travelers, Plaintiffs and Defendants are in
8 negotiations regarding the remaining balances due.

9 Based on the above, the parties stipulate that this Court continue the case management
10 conference for thirty (30) days to allow Plaintiffs to attempt to complete negotiations with
11 Travelers, the payment bond company, and to allow the parties to further attempt to resolve any
12 remaining balances due. The parties further stipulate to providing this Court with an updated
13 status conference statement seven (7) days prior to the continued case management conference.

14 DATED: August 25, 2014

15 BULLIVANT HOUSER BAILEY PC

16
17 By 
18 Ronald L. Richman


19 Attorneys for Plaintiffs

20 DATED: August 25, 2014

21 DOUGLAS BUILT CONSTRUCTION, INC.

22
23 By 
as President

24 DATED: August 25, 2014

25
26 By 
27 Joel Douglas, an individual

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ORDER

Pursuant to the parties' request to continue the case management conference and good cause appearing:

IT IS HEREBY ORDERED that the September 4, 2014 case management conference be continued to 10/16/14 at ~~9:30 a.m.~~ 1:30 p.m., Courtroom 5, 17th floor. A case management statement shall be filed seven (7) days prior to the next scheduled case management conference.

DATED: August 27, 2014

By: 
HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

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