

1 Michele Stafford, Esq. (SBN 172509)  
 Adrian L. Canzoneri, Esq. (SBN 265168)  
 2 SALTZMAN & JOHNSON LAW CORPORATION  
 44 Montgomery Street, Suite 2110  
 3 San Francisco, CA 94104  
 Telephone: (415) 882-7900  
 4 Facsimile: (415) 882-9287  
[mstafford@sjlawcorp.com](mailto:mstafford@sjlawcorp.com)  
 5 [acanzoneri@sjlawcorp.com](mailto:acanzoneri@sjlawcorp.com)

6 Attorneys for Plaintiffs

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 8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS  
 PENSION TRUST FUND, et al.,  
 11 Plaintiffs,  
 12 v.  
 13 VENTURA FINISHING SYSTEMS, a  
 14 California Corporation,  
 15 Defendant.

Case No.: C14-03364 - HSG  
**REQUEST FOR EXTENSION OF TIME  
 TO FILE PLAINTIFFS' MOTION FOR  
 DEFAULT JUDGMENT; ORDER  
 THEREON**  
 Current Deadline: April 15, 2015  
 Proposed Deadline: June 11, 2015  
 Judge: Hon. Haywood S. Gilliam  
 Courtroom: 15 – 18<sup>th</sup> Floor

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 17 TO THE COURT:

18 Plaintiffs Bay Area Painters and Tapers Pension Trust Fund, et al. (“Plaintiffs”), by and  
 19 through their counsel, hereby respectfully request an extension of time by which to file Plaintiffs’  
 20 Motion for Default Judgment. GOOD CAUSE exists to grant the extension for the following  
 21 reasons:

22 1. As the Court records reflect, this matter came on for hearing for a scheduled Case  
 23 Management Conference before the Honorable Haywood S. Gilliam on March 18, 2015 in the  
 24 above-captioned Court. [Dkt. No. 38]. Adrian L. Canzoneri, Esq. appeared on behalf of Plaintiffs.  
 25 Justine Kastan, Esq., former counsel for Defendant, also appeared. There was no appearance by  
 26 Defendant.

27 2. At the March 18, 2015 Case Management Conference, the Court ordered Plaintiffs  
 28 to file their Motion for Default Judgment by April 1, 2015. [*Id.*].

1           3.       On Monday, March 23, 2015, presumably after being advised by its former  
2 counsel, Defendant contacted Plaintiffs' counsel to discuss the amounts owed to Plaintiffs, in  
3 addition to the documents needed by Plaintiffs to complete the audit of Defendant's payroll  
4 records. Defendant indicated his willingness to attempt to resolve this matter without the need for  
5 further litigation. Plaintiffs' counsel requested that Defendant submit the necessary additional  
6 documents as soon as possible so that the complete and final amounts owed to Plaintiffs could be  
7 ascertained.

8           4.       Defendant has since retained new counsel for the purposes of facilitating potential  
9 settlement. Defendant's counsel contacted Plaintiffs' counsel on April 9, 2015 to discuss potential  
10 resolution of the matter without the need for further litigation. Defendant's counsel is in the  
11 process of obtaining the required documents necessary to complete the audit of Defendant's  
12 payroll records. Once those documents are received by Plaintiffs' counsel, they will submit them  
13 to Plaintiffs' auditor to finalize the audit report.

14           5.       Upon review of the Honorable Judge Gilliam's law and motion calendar and  
15 scheduling notes, the first available hearing date for Plaintiffs' Motion for Default Judgment is  
16 June 11, 2015. Thus, neither the Court nor the parties to this matter will be significantly affected  
17 by the requested extension.

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6. As Defendant has now retained new counsel to facilitate settlement, and the parties are in discussions in an attempt to resolve this matter without the need for further litigation, in the interest of judicial economy and efficiency, as well as the preservation of the Court's time and resources, Plaintiffs' respectfully request that the deadline to file the Motion for Default Judgment, currently set for April 15, 2015, be extended approximately sixty (60) days to **June 11, 2015**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true of my own knowledge and if called upon I could and would testify competently thereto.

Executed this 10th day of April 2015, at San Francisco, California.

\_\_\_\_\_/S/  
Adrian L. Canzoneri

**IT IS SO ORDERED.**

Based on the foregoing, and GOOD CAUSE APPEARING, the deadline for Plaintiffs to file their Motion for Default Judgment shall be extended by approximately sixty (60) days, up to and including **June 11, 2015**.

Date: \_\_\_\_\_ 4/13/2015

  
\_\_\_\_\_  
HONORABLE HAYWOOD S. GILHAM, JR.  
UNITED STATES MAGISTRATE JUDGE

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 1. I am a citizen of the United States and am employed in the County of San  
4 Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San  
5 Francisco, California 94104.

6 2. I am over the age of eighteen and not a party to this action.

7 3. On **April 10, 2015**, I served the following document(s):

8 **PLAINTIFFS' REQUEST FOR EXTENSION OF TIME TO FILE MOTION FOR**  
9 **DEFAULT JUDGMENT; [PROPOSED] ORDER THEREON**

10  
11 on the interested parties in said action by enclosing a true and exact copy of each document  
12 in a sealed envelope and placing the envelope for collection and First Class mailing following our  
13 ordinary business practices. I am readily familiar with this business' practice for collecting and  
14 processing correspondence for mailing. On the same day that correspondence is placed for  
15 collection and mailing, it is deposited in the ordinary course of business with the United States  
16 Postal Service in a sealed envelope with postage fully prepaid.

17 4. The envelopes were addressed and mailed as follows:

18 **Ventura Finishing Systems**  
19 **45278 Industrial Drive.**  
20 **Fremont, CA 94538**

21 I declare under penalty of perjury that the foregoing is true and correct and that this  
22 declaration was executed on **April 10, 2015**, at San Francisco, California.

23 \_\_\_\_\_ /S/  
24 Alicia Rutkowski  
25 Paralegal  
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