

1 Michele R. 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
 (415) 882-7900
 4 (415) 882-9287 – Facsimile
mstafford@sjlawcorp.com
 5 acanzoneri@sjlawcorp.com

6 Attorneys for Plaintiffs

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 8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.,
 12 Plaintiffs,
 13 v.
 14 NELSON’S PAINTING & DECORATING, a
 15 California Partnership, et al.
 16 Defendant.
 17

Case No.: C14-3451 EMC

**PLAINTIFFS’ REQUEST TO CONTINUE
 CASE MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER THEREON**

Date: November 20, 2014
 Time: 9:30 a.m,
 Dept.: Courtroom 5, 17th Floor, San
 Francisco, CA
 Judge: Honorable Judge Edward M. Chen

18 Plaintiffs herein respectfully request that the Case Management Conference, currently on
 19 calendar for November 20, 2014, be continued for approximately ninety (90) days. Good cause
 20 exists for the continuance, as follows:

21 1. As the Court’s records will reflect, this action was filed on July 30, 2014 to compel
 22 Defendants to comply with an audit inspection of their payroll records, pursuant to the Collective
 23 Bargaining Agreement entered into with Plaintiffs.

24 2. Defendant Nelson Painting & Decorating, Admiral Nelson Peckham and Nelson
 25 Lee Peckham (collectively “Defendants”) were personally served with the Complaint on August 8,
 26 2014. A Proof of Service of Summons was filed with the Court on August 13, 2014 (Dkt. #12).
 27 Defendants failed to plead or otherwise respond to the Complaint.
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1 3. Plaintiffs filed a Motion for Entry of Default on September 3, 2014 (Dkt. #13).
2 The Clerk entered default against Defendants' on September 9, 2014 (Dkt. #14). Plaintiffs served
3 Defendants with the Clerk's Notice of Entry of Default, and filed Proof of Service of Clerk's
4 Notice of Entry of Default on September 15, 2014 (Dkt. #15).

5 4. Following the entry of Default, Plaintiffs and Defendants have been in
6 communication, in an effort to informally resolve the matter without the need for further litigation.
7 Defendants disputed a portion of the amounts found due in the audit of their payroll records, but
8 paid the remainder. Plaintiffs investigated Defendants' dispute and provided a response, including
9 a final demand to Defendants for payment of the remaining amounts found due in the audit, in a
10 final attempt to resolve this matter without the need for further litigation.

11 5. If parties are unable to reach an informal resolution, Plaintiffs anticipate preparing
12 and filing a Motion for Default Judgment against Defendants.

13 6. There are no issues that need to be addressed by the parties at the currently
14 scheduled Case Management Conference. In the interest of conserving costs, as well as the
15 Court's time and resources, Plaintiffs respectfully request that the Case Management Conference,
16 currently scheduled for November 20, 2014, be continued for approximately ninety (90) days, to
17 allow sufficient time for Plaintiffs to attempt to resolve this matter with Defendants, or if parties
18 are unable to reach an informal resolution, for Plaintiffs to file a Motion for Default Judgment
19 against Defendants.

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

3 Executed this 12th day of November, 2014, at San Francisco, California.

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SALTZMAN & JOHNSON
LAW CORPORATION

By: _____ /S/
Adrian L. Canzoneri
Attorney for Plaintiffs

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management
Conference is hereby continued to 2/19/2015, at 9:30 a.m.. All related deadlines are extended
accordingly.

Date: 11/17/2014



HONORABLE JUDGE EDWARD M. CHEN
UNITED STATES DISTRICT 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 **November 12, 2014**, I served the following document(s):

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

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

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

17 Nelson's Painting & Decorating
18 2594 Ashcroft
19 Clovis, CA 93611

20 Admiral Nelson Peckham
21 2594 Ashcroft
22 Clovis, CA 93611

23 Nelson Lee Peckham
24 2594 Ashcroft
25 Clovis, CA 93611

26 I declare under penalty of perjury that the foregoing is true and correct and that this
27 declaration was executed on **November 12, 2014**, at San Francisco, California.

28 _____ /S/
Alicia Ramirez
Paralegal