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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 RUSSELL E. BURNS, et al.,

Case No.: C14-3687 TEH

12 Plaintiffs,

**PLAINTIFFS' REQUEST FOR
 CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE; and
 [PROPOSED] ORDER THEREON**

13 v.

14 BACKHOE DISPATCH 24/7, INC., a
 California Corporation; DAVID JOHN
 15 HOURIGAN, an Individual,

Date: Monday, January 26, 2015

Time: 1:30 p.m.

Ctrm: 2, 19th Floor

450 Golden Gate Ave.

San Francisco, California

Judge: The Honorable Thelton E.

Henderson

16 Defendants.

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19 Plaintiffs respectfully request that the Case Management Conference scheduled for
 20 January 26, 2015, at 1:30 p.m., be continued for approximately sixty (60) days, as follows:

21 1. As the Court's records will reflect, this action was filed on August 14, 2014 to
 22 compel Defendants to comply with the terms of their Collective Bargaining Agreement.

23 2. Defendants were personally served with the Complaint on October 1, 2014. A
 24 Proof of Service of Summons was filed with the Court on October 8, 2014.

25 3. Defendants failed to file responsive pleadings to Plaintiffs' complaint by their
 26 deadline. On October 30, 2014, Plaintiffs filed a Request for Entry of Default, and default was
 27 entered by the Court on October 31, 2014.

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1 4. Defendants have failed to pay contributions for hours worked by their employees
2 during month of August 2013, and have failed to report and pay contributions for hours worked by
3 the employees during the month of February 2014, and during the period from April through
4 November 2014. Liquidated damages and interest have been incurred and are owing for the unpaid
5 contributions for the above months, as well as on other prior late-paid contributions for the months
6 of May, July, and December 2013, and January 2014.

7 5. On November 14, 2014, Plaintiffs requested a continuance to the Case
8 Management Conference so that they could make one final attempt to resolve this matter
9 informally with Defendants. On November 18, 2014, the Court granted Plaintiffs' request and the
10 Case Management Conference was continued to January 26, 2015.

11 6. Plaintiffs have been unable to resolve this matter informally with Defendants.
12 Therefore, Plaintiffs will now prepare and file a Motion for Default Judgment against Defendants.

13 7. There are no issues that need to be addressed by this Court at the currently
14 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
15 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
16 Case Management Conference for approximately sixty (60) days, to allow for sufficient time for
17 Plaintiffs to prepare and file a Motion for Default Judgment against Defendants.

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1 8. Plaintiffs recognize that a case management conference statement is due seven days
2 in advance of the case management conference date and that the statement must include all
3 elements requested in the “Standing Order for All Judges of the Northern District of California –
4 Contents of Joint Case Management Statement” pursuant to Local Rule 16-9. Should this Court
5 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

6 Dated: January 15, 2015


**SALTZMAN & JOHNSON
LAW CORPORATION**

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8 By: _____ /S/
Michele R. Stafford
9 Attorneys for Plaintiffs

10 IT IS SO ORDERED.

11 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
12 Management Conference is hereby continued to 03/30/2015, and all related deadlines are
13 extended accordingly.

14 Date: 01/20/2015

15 THE HONORABLE THELTON E. HENDERSON
16 UNITED STATES DISTRICT COURT
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18 Judge Thelton E. Henderson
19 NORTHERN DISTRICT OF CALIFORNIA

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