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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 TO VACATE  
 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: March 30, 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 March  
 20 30, 2015, at 1:30 p.m., be vacated. Good cause exists, 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. On November 14, 2014, Plaintiffs requested a continuance to the Case  
2 Management Conference so that they could make one final attempt to resolve this matter  
3 informally with Defendants. On November 18, 2014, the Court granted Plaintiffs' request and the  
4 Case Management Conference was continued to January 26, 2015.

5 5. On January 16, 2015, Plaintiffs requested another continuance to the Case  
6 Management Conference because Plaintiffs were unable to resolve this matter informally with  
7 Defendants and needed time to prepare and file a Motion for Default Judgment against  
8 Defendants. On January 20, 2015, the Court granted Plaintiffs' request, and the Case Management  
9 Conference was rescheduled for March 30, 2015.

10 6. Plaintiffs are filing their Motion for Default Judgment against Defendants  
11 concurrently with this request. Accordingly, there are no issues that need to be addressed by this  
12 Court at the currently scheduled Case Management Conference. In the interest of conserving costs  
13 as well as the Court's time and resources, Plaintiffs respectfully request that the Court vacate the  
14 currently scheduled Case Management Conference.

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

20 Dated: March 18, 2015

**SALTZMAN & JOHNSON  
LAW CORPORATION**

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22 By: \_\_\_\_\_ /S/  
23 Michele R. Stafford  
Attorneys for Plaintiffs

24 IT IS SO ORDERED.

25 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
26 Management Conference is hereby VACATED.

27 Date: 03/19/2015

  
28 THE HONORABLE THELTON E. HENDERSON  
UNITED STATES DISTRICT COURT