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6	Attorneys for Plaintiffs		
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8	UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10 11 12	BRICKLAYERS LOCAL NO. 3 PENSION TRUST, et al.	Case No.: C14-3690 RS PLAINTIFFS' REQUEST FOR	
13	Plaintiffs,	CONTINUANCE OF CASE MANAGEMENT CONFERENCE; ORDER	
14	V.	(AS MODIFIED BY THE COURT)	
15	CAL-TEX MASONRY, INC., a California Corporation,	Date: July 2, 2015 Time: 10:00 a.m. Ctrm: 3, 17th Floor	
16	Defendant.	450 Golden Gate Ave. San Francisco, CA	
17		Judge: The Honorable Richard Seeborg	
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19	Plaintiffs respectfully request that the Case Management Conference scheduled for July 2,		
20	2015, at 10:00 a.m., be continued for approximately forty-five (45) days, as follows:		
21	1. As the Courts records will reflect, this action was filed on August 14, 2014 to		
22	compel Defendant to comply with the terms of its Collective Bargaining Agreement.		
23	2. Defendant failed to file a responsive pleading to Plaintiffs' Complaint. On October		
24	10, 2014, Defendant's Default was entered by the Court.		
25 26	3. On March 12, 2015, Plaintiffs filed a Request for Continuance of Case		
20 27	Management Conference as Plaintiffs and Defendant were engaged in discussions regarding		
27 28	resolution of this matter without the need for further litigation, as Defendant had been advised of		
_0	PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE Case No.: C14-3690 RS Dockets.Justia.com		

the final amounts due to Plaintiffs following Defendant's dispute of the amounts found due on its
 audit. On that same day, the Court continued the Case Management Conference to May 21, 2015.

3 4. On May 14, 2015, Plaintiffs filed another Request for Continuance of Case
4 Management Conference as Defendant advised Plaintiffs that it would be submitting a lump sum
5 payment of all outstanding amounts owed to Plaintiffs within the next ten (10) days. On that same
6 day, the Court continued the Case Management Conference to July 2, 2015.

7 5. Defendant submitted a partial payment toward amounts owed to Plaintiffs, but still
8 owes liquidated damages, interest, and attorneys' fees and costs incurred. Defendant requested a
9 waiver of the liquidated damages assessed on its delinquent contributions, and has a pending credit
10 from improper payments found on the audit inspection.

Upon confirmation of the amount of Defendant's credit by Plaintiffs' administrator,
 the credit will be applied to remaining interest and attorneys' fees and costs owed to Plaintiffs.
 Thereafter, Defendant's request for a waiver of the liquidated damages will be brought before
 Plaintiffs' Board of Trustees for consideration so that the matter can be dismissed.

7. There are no issues that need to be addressed by this Court at the currently
scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
Case Management Conference for approximately forty-five (45) days, to allow for sufficient time
for Plaintiffs to apply Defendant's credit to remaining amounts owed, and for Plaintiffs' Board of
Trustees to make a decision on Defendant's request for a waiver of liquidated damages owed.

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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: June 24, 2015	SALTZMAN & JOHNSON LAW CORPORATION	
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8	By:	/S/ Michele R. Stafford	
9		Attorneys for Plaintiffs	
10	ORDER (AS MODIFIED BY THE COURT)		
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12	Based on the foregoing, and good cause appearing, the Case Management Conference previously scheduled for July 2, 2015 is hereby continued to <u>August 20, 2015 at 10:00 AM</u> in Courtroom 3, 17th floor, San Francisco. All related deadlines are extended accordingly.		
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14	No further continuances of the initial Case Management Conference will be granted.		
15	IT IS SO ORDERED.	21181	
16	Date: June 24, 2015	and Dealing	
17		IE HONORABLE RICHARD SEEBORG NITED STATES DISTRICT COURT	
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