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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 BRICKLAYERS LOCAL NO. 3 PENSION  
TRUST, et al.

12 Plaintiffs,  
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14 v.

15 CAL-TEX MASONRY, INC., a California  
Corporation,

16 Defendant.  
17

Case No.: C14-3690 RS

**PLAINTIFFS' REQUEST FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE; ORDER  
(AS MODIFIED BY THE COURT)**

Date: July 2, 2015

Time: 10:00 a.m.

Ctrm: 3, 17th Floor

450 Golden Gate Ave.

San Francisco, CA

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 3. On March 12, 2015, Plaintiffs filed a Request for Continuance of Case  
26 Management Conference as Plaintiffs and Defendant were engaged in discussions regarding  
27 resolution of this matter without the need for further litigation, as Defendant had been advised of  
28

1 the final amounts due to Plaintiffs following Defendant's dispute of the amounts found due on its  
2 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.

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

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

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