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6 Attorneys for Plaintiffs, Bricklayers  
 Local No. 3 Pension Trust, et al.

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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,

13 v.

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

16 Defendant.

Case No.: C14-3690 RS

ORDER

**PLAINTIFFS' RESPONSE TO STANDBY  
 ORDER OF DISMISSAL (ORDER TO  
 SHOW CAUSE)**

Date: Thursday, March 3, 2016

Time: 1:30 p.m.

Ctrm: 3, 17th Floor

450 Golden Gate Ave.

San Francisco, CA

Judge: The Honorable Richard Seeborg

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 19 Plaintiffs Bricklayers Local No. 3 Pension Trust, et al. ("Plaintiffs") hereby respectfully  
 20 submit their Response to Order to Show Cause ("Response") pursuant to the Clerk's January 4,  
 21 2016, Notice continuing the Standby Order of Dismissal Hearing to March 3, 2016.

22 As set forth in Plaintiffs' Notice of Settlement, filed on July 20, 2015, Plaintiffs and  
 23 Defendant Cal-Tex Masonry, Inc. ("Defendant") had reached a settlement in this matter, which  
 24 was conditioned upon Defendant's compliance with the terms of its collective bargaining  
 25 agreement. Specifically, upon Defendant's *timely* payment of contributions to Plaintiffs for a  
 26 period of twelve (12) consecutive months, beginning with the month of June 2015, Plaintiffs  
 27 agreed to waive the balance due by Defendant and to file a voluntary dismissal of this action.  
 28 Defendant immediately defaulted and failed to timely pay its June through September 2015

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**PLAINTIFFS' RESPONSE TO STANDBY ORDER OF DISMISSAL (ORDER TO SHOW CAUSE)**

Case No.: C14-3690 RS

1 contributions to Plaintiffs. Therefore, Defendant failed to meet the conditions necessary for  
2 Plaintiffs to waive the balance owed by Defendant and dismiss this action.

3 In Plaintiffs' Response to the Court's Standby Order for Dismissal filed on January 4,  
4 2016, Plaintiffs informed the Court that Defendant had failed to respond to several demands for  
5 payment of the amounts owed to Plaintiffs. Plaintiffs had also offered Defendant a payment plan  
6 if it could not pay the balance due in full. Plaintiffs advised the Court that if Defendant failed to  
7 respond to their most recent demand by January 8, 2016, Plaintiffs would prepare and file a  
8 Motion for Default Judgment against Defendant. On January 4, 2016, the Court's Clerk issued a  
9 Notice Continuing the Standby Order of Dismissal Hearing scheduled for January 7, 2016 to  
10 March 3, 2016, and ordered Plaintiffs to file a Show Cause Response by February 29, 2016.

11 After Plaintiffs filed their January 4, 2016, Show Cause Response, Defendant contacted  
12 Plaintiffs regarding the amounts due and submitted a second request for a waiver of the liquidated  
13 damages owed by it to Plaintiffs. Plaintiffs advised Defendant that interest and attorneys' fees  
14 must be paid before its request for a waiver of liquidated damages will be considered by Plaintiffs.  
15 Plaintiffs advised Defendant of the amount owed, less liquidated damages, and demanded  
16 payment by March 4, 2016. Plaintiffs also advised Defendant that if its request for a waiver of  
17 liquidated damages was denied, and Defendant could not pay the amount due in full, Defendant  
18 must enter into a payment plan.

19 Upon receipt and bank clearance of Defendant's payment, Plaintiffs will consider  
20 Defendant's request for a waiver of the liquidated damages. If Defendant fails to submit payment  
21 for the interest and attorneys' fees owed, or fails to pay or enter into a payment plan for the  
22 liquidated damages owed should Defendant's request for a waiver be denied, Plaintiffs intend on  
23 filing a Motion for Default Judgment against Defendant.

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1 As Defendant defaulted under the terms of the settlement between the parties and failed to  
2 make payment for the amounts owed by it to Plaintiffs, Plaintiffs were unable to file a Notice of  
3 Voluntary Dismissal of this action. However, the parties are in communication regarding the  
4 amounts owed to Plaintiffs and hope to reach an informal resolution of this matter. If an informal  
5 resolution cannot be reached, Plaintiffs intend on filing a Motion for Default Judgment against  
6 Defendant. Therefore, Plaintiffs respectfully request that the Court vacate, or alternatively  
7 continue, its Standby Order of Dismissal (Order to Show Cause).

8 Respectfully submitted.

9 Dated: February 29, 2016

**SALTZMAN & JOHNSON  
LAW CORPORATION**

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11 By: \_\_\_\_\_ /S/  
12 Erica J. Russell  
13 Attorneys for Plaintiffs, Bricklayers  
Local No. 3 Pension Trust, et al.

14 **IT IS SO ORDERED.**

15 Based on the foregoing and GOOD CAUSE APPEARING, the Standby Order of  
16 Dismissal is vacated, or continued to May 5, 2016 at 1:30 pm

17 Date: 2/29/16

  
18 HONORABLE JUDGE RICHARD SEEBORG  
19 UNITED STATES DISTRICT JUDGE  
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