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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 RUSSELL E. BURNS, et al.,

12 Plaintiffs,

13 v.

14 ROSS ISLAND SAND & GRAVEL CO, a
 California Corporation *aka* ROSS ISLAND, INC.,
 15 Defendant.
 16

Case No. C15-0229 TEH

**PLAINTIFFS' REQUEST TO CONTINUE
 CASE MANAGEMENT CONFERENCE;
 17 ~~PROPOSED~~ ORDER THEREON**

Date: April 27, 2015
 Time: 1:30 p.m.
 Location: 450 Golden Gate Ave.
 Courtroom: 12 (19th Floor)
 Judge: Hon. Thelton E. Henderson

18 Plaintiffs respectfully request that the Case Management Conference, currently on calendar for
 19 April 27, 2015, be continued for approximately sixty to ninety days. Good cause exists for the granting
 of the continuance, as follows:

20 1. As the Court's records will reflect, this action was filed on January 15, 2015 (Dkt. #1).
 21 Defendant was personally served on March 9, 2015, and a Proof of Service of Summons was filed with
 22 the Court on March 12, 2015 (Dkt. #11). Defendant failed to plead or otherwise respond to the lawsuit,
 23 and the Clerk entered default as to Defendant on April 1, 2015 (Dkt. #13). Defendant was duly served
 24 with a copy of the Clerk's Notice of Default Entry, and a Proof of Service of same was filed with the
 25 Court on April 2, 2015 (Dkt. #14).

26 2. Since then, the parties have been in contact to attempt to resolve this matter without the
 27 need for further litigation. On or about April 13, 2015, Defendant advised Plaintiffs' counsel that a
 28 partial payment was "en route" to Plaintiffs, and requested a payment plan to satisfy the remaining

1 amounts due to Plaintiffs. Upon receipt of additional contribution reports from Defendant, Plaintiffs
2 intend to prepare and sent to Defendant a proposed Judgment Pursuant to Stipulation providing for a
3 payment plan to allow Defendant to satisfy its debt to Plaintiff Trust Funds by making monthly
4 payments.

5 3. Should Defendant fail to either execute a Judgment Pursuant to Stipulation or submit
6 payment in full of the amounts due to Plaintiffs, Plaintiffs anticipate preparing a Motion for Default
7 Judgment for filing with the Court.

8 4. There are no issues that need to be addressed by the parties at the currently scheduled
9 Case Management Conference. In the interest of conserving costs, as well as the Court's time and
10 resources, Plaintiffs respectfully request that the upcoming Case Management Conference be continued
11 for approximately sixty to ninety days, to allow sufficient time for the parties to attempt to settle this
12 matter without further litigation.

13 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled
14 action, and that the foregoing is true of my own knowledge.

15 DATED: April 16, 2015

SALTZMAN & JOHNSON LAW CORPORATION

16
17 By: _____ /S/

18 Michele R. Stafford
Attorneys for Plaintiffs, Boards of Trustees
of Sheet Metal Workers et al. Plan, et al.

19 IT IS SO ORDERED.

20 The currently set Case Management Conference is hereby continued to
21 July 6, 2015 at 1:30 p.m., and all previously set deadlines and dates
22 related to this case are continued accordingly.

23 DATED: 04/21, 2015

