

1 Michele R. Stafford, Esq. (SBN 172509)
 Shivani Nanda, Esq. (SBN 253891)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, California 94104
 Telephone: (415) 882-7900
 4 Facsimile: (415) 882-9287
 Email: mstafford@sjlawcorp.com
 5 Email: snanda@sjlawcorp.com

6 Attorneys for Plaintiffs, Russell E. Burns, et al.

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
 MODIFIED**

Date: July 6, 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 July 6, 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. The Court continued the previous Case Management Conference scheduled for April 27,
 27 2015 to allow the parties additional time to attempt to resolve this matter without the need for further
 28 litigation, as Defendant had submitted a partial payment and requested a payment plan to satisfy the

1 remaining amounts due to Plaintiffs.

2 3. Since then, Defendant provided additional contribution reports to Plaintiffs' counsel
3 showing additional amounts due. Plaintiffs' counsel prepared and sent to Defendant a proposed
4 Judgment Pursuant to Stipulation providing for a payment plan to allow Defendant to satisfy its debt to
5 Plaintiff Trust Funds by making monthly payments. Defendant questioned the amount due, and
6 Plaintiffs' counsel is currently working with Defendant's counsel to show that the amount is in fact
7 correct.

8 4. Should Defendant fail to either execute a Judgment Pursuant to Stipulation or submit
9 payment in full of the amounts due to Plaintiffs, Plaintiffs anticipate preparing a Motion for Default
10 Judgment for filing with the Court.

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

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

18 DATED: June 26, 2015

SALTZMAN & JOHNSON LAW CORPORATION

19 By: _____ /S/

20 Shivani Nanda
21 Attorneys for Plaintiffs, Russell E. Burns, et al.

22 IT IS SO ORDERED AS MODIFIED.

23 The currently set Case Management Conference is hereby continued to
24 August 17, 2015 at 1:30 PM, and all previously set deadlines and dates
25 related to this case are continued accordingly. **No further continuances will be granted.**

26 DATED: 07/01, 2015

27 
28 _____
UNITED STATES DISTRICT COURT JUDGE