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6 Attorneys for Plaintiffs, Operating Engineers' Health  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11 OPERATING ENGINEERS' HEALTH AND  
 12 WELFARE TRUST FUND FOR NORTHERN  
 CALIFORNIA, et al.,

13 Plaintiffs,

14 v.

15 JS TAYLOR CONSTRUCTION, INC., et al.,

16 Defendants.  
 17

Case No. 17-0896 EMC

**PLAINTIFFS' REQUEST TO CONTINUE  
 CASE MANAGEMENT CONFERENCE OR,  
 IN THE ALTERNATIVE, REQUEST FOR  
 TELEPHONIC APPEARANCE;  
 [PROPOSED] ORDER THEREON**

Date: May 17, 2018  
 Time: 9:30 a.m.  
 Location: 450 Golden Gate Avenue  
 San Francisco, California  
 Courtroom 5, 17th Floor  
 Judge: Honorable Edward M. Chen

19 Plaintiffs respectfully request that the Case Management Conference, currently on calendar for  
 20 May 17, 2018, be continued for approximately sixty (60) to ninety (90) days. Good cause exists for the  
 21 granting of the continuance, as follows:

22 1. As the Court's records will reflect, this action was filed on February 22, 2017. (Dkt. #1.)  
 23 2. Plaintiffs served copies of the Summons and Complaint and related documents on  
 24 Defendants. Defendants executed Waivers of The Service of Summons forms, which were filed with the  
 25 Court on May 23, 2017 (Dkt. #9). Defendants have failed to respond to the Complaint to date.

26 3. However, the parties have been in contact throughout April 2018 in an attempt to resolve  
 27 this matter without the need for further litigation. More specifically, Plaintiffs' Counsel recently  
 28

1 received a report prepared by an auditor retained by Defendant which disputes the amounts found on the  
2 Plaintiffs' Trust Funds' audit. In response, Plaintiffs' Counsel proposed that the parties meet to discuss  
3 each party's respective audit findings. Defendants have agreed to hold the meeting. The parties are  
4 currently in the process of exchanging information and having their auditors review the information in  
5 anticipation of the meeting.

6 4. Plaintiffs' Counsel believes that the meeting between the parties will spur informal  
7 settlement discussions and/or at a minimum assist in narrowing or resolving the matters in dispute.

8 5. Accordingly, Plaintiffs respectfully request that the Case Management Conference,  
9 currently scheduled for May 17, 2018, be continued for approximately sixty (60) to ninety (90) days to  
10 allow time for the parties to attempt to resolve this matter informally, without the need for further  
11 litigation.

12 6. There are no issues that need to be addressed by the parties at the currently scheduled  
13 Case Management Conference. In the interest of conserving costs as well as the Court's time and  
14 resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case  
15 Management Conference. In the alternative, Plaintiffs request that they may appear at the hearing  
16 telephonically. As attorneys' fees and costs are "out of pocket," Plaintiffs are attempting to keep fees  
17 (and thus the Trust Funds' loss) at a minimum.

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

20 Executed this 10th day of May, 2018, at San Francisco, California.

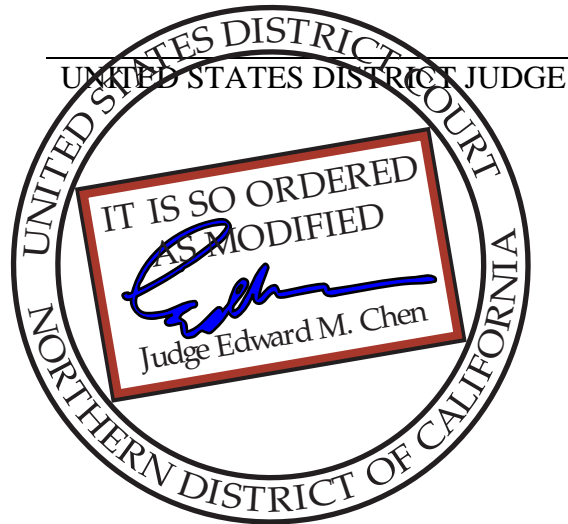
21 SALTZMAN & JOHNSON LAW CORPORATION  
22

23 By: \_\_\_\_\_/S/  
24 George R. Nemiroff  
25 Attorneys for Plaintiffs, Operating Engineers'  
26 Health and Welfare Trust Fund, et al.  
27  
28

1 IT IS SO ORDERED.

2 The currently set Case Management Conference is hereby continued to 8/23/18  
3 at 9:30 a.m., and all previously set deadlines and dates related to this case are continued  
4 accordingly or, alternatively, Plaintiffs may appear at the Case Management Conference by telephone.

5 DATED: 5/15, 2018 Plaintiffs shall serve a copy of this order upon defendants.



1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 1. I am a citizen of the United States and am employed in the County of San Francisco,  
4 State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California  
5 94104.

6 2. I am over the age of eighteen and not a party to this action.

7 3. On May 10, 2018, I served the following document(s):

8 **PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE OR, IN**  
9 **THE ALTERNATIVE, REQUEST FOR TELEPHONIC APPEARANCE; [PROPOSED] ORDER**  
10 **THEREON**

11 on the interested parties in said action by enclosing a true and exact copy of each document in a sealed  
12 envelope and placing the envelope for collection and First Class mailing following our ordinary business  
13 practices. I am readily familiar with this business' practice for collecting and processing correspondence  
14 for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in  
15 the ordinary course of business with the United States Postal Service in a sealed envelope with postage  
16 fully prepaid.

17 4. The envelope(s) were addressed and mailed as follows:

18 **Josh Thiel**  
19 **JS Taylor Construction, Inc.**  
20 **1288 Wawona Street**  
**Manteca, CA 95377**

21 I declare under penalty of perjury that the foregoing is true and correct and that this declaration  
22 was executed on May 10, 2018, at San Francisco, California.

23  
24 \_\_\_\_\_  
Alicia Wood  
Paralegal  
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