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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 12 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 13 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 14 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 15 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 16 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 Luis Cabeceira doing business as Cabeceira
 Construction,

21 Defendant.

Case No.: C 07 4380 WDB

**STATEMENT IN LIEU OF CASE
 MANAGEMENT CONFERENCE;
 ORDER THEREON**

Date: October 7, 2008
 Time: 4:00 p.m.
 Ctroom: 4, Oakland
 Hon. Wayne D. Brazil

23 Plaintiffs offer this Statement in Lieu of the Case Management Conference Statement.
 24 On November 15, 2007 Plaintiffs filed their First Amended Complaint for Damages for
 25 Breach of Collective Bargaining Agreement and For A Mandatory Injunction seeking a
 26 mandatory injunctive order requiring Defendant to submit to an audit of his books and records.
 27 Defendant allowed the audit and the audit was completed. The audit resulted in trust fund
 28 contributions due and owing on behalf of Defendant's covered employees.

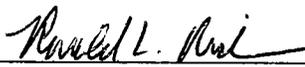
1 On May 23, 2008, Plaintiffs filed their Second Amended Complaint to include the
2 outstanding trust fund contributions due and owing. On September 10, 2008 Plaintiffs filed their
3 Third Amended Complaint which, after discussion with counsel for Defendant, finally clarified
4 the status of Defendant Luis Cabeceira as a sole proprietor, doing business as Cabeceira
5 Construction. Counsel for Defendant advises that on or before Wednesday, October 1, 2008, he
6 will file an Answer on behalf of Defendant Luis Cabeceira dba Cabeceira Construction.

7 Since July, counsel for Plaintiffs and counsel for Defendant have been working to try to
8 resolve the issues in this case. Plaintiffs have provided Defendant with the summary documents
9 outlining the claims against Defendant. Counsel for Plaintiffs and Defendant are working on
10 setting up a meeting directly between their respective clients in an attempt to resolve all issues
11 prior to spending additional time and fees in litigation.

12 Based on the above, Plaintiffs respectfully request that this Court extend the Case
13 Schedule and Case Management Conference for an additional 30 days to allow for Defendant to
14 file his responsive pleading and for the parties to continue to meet and confer in an attempt to
15 resolve this case.

16 DATED: September 29, 2008

17 BULLIVANT HOUSER BAILEY PC

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19 By 
20 Ronald L. Richman
21 Susan J. Olson

22 Attorneys for Laborers Trust Funds

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CASE MANAGEMENT ORDER

The Court having read Plaintiffs' Statement in Lieu of Case Management Conference Statement and good cause appearing therefore:

IT IS HEREBY ORDERED that the Case Management Conference currently scheduled for October 7, 2008 at 4:00 p.m. be continued to November 13, 2008 at 4:00 p.m., Courtroom 4, Oakland.

DATED: September 30, 2008

By 
HON. WAYNE D. BRAZIL
UNITED STATES MAGISTRATE JUDGE