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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 BRICKLAYERS AND ALLIED CRAFTWORKERS) Case No.: C 09-1722 PJH
 11 LOCAL UNION NO. 3, AFL-CIO;)
 TRUSTEES OF THE NORTHERN CALIFORNIA) REQUEST TO CONTINUE
 12 TILE INDUSTRY PENSION TRUST; TRUSTEES) CASE MANAGEMENT
 OF THE NORTHERN CALIFORNIA TILE) CONFERENCE AND
 13 INDUSTRY HEALTH AND WELFARE TRUST FUND;) [~~Proposed~~] ORDER
 TRUSTEES OF THE NORTHERN CALIFORNIA)
 14 TILE INDUSTRY APPRENTICESHIP AND) Date: October 22, 2009
 TRAINING TRUST FUND; TILE INDUSTRY) Time: 2:30 p.m.
 15 PROMOTION FUND OF NORTHERN CALIFORNIA,) Dept.: Courtroom 3
 INC., a not-for-profit California) 17th Floor
 16 corporation; TILE EMPLOYERS CONTRACT) U.S. District
 ADMINISTRATION FUND; TRUSTEES OF THE) Court
 17 INTERNATIONAL UNION OF BRICKLAYERS AND) 450 Golden Gate
 ALLIED CRAFTWORKERS PENSION FUND,) Ave.
 18) San Francisco, CA
 Plaintiffs,) Judge: The Honorable
 19 vs.) Phyllis J.
) Hamilton
 20)
 FIDELITY INC., a California)
 21 corporation, doing business as "Tile)
 Bella & Stone",)
 22)
 Defendant.)
 23)

24 Plaintiffs hereby respectfully request that this Court
 25 continue the case management conference in this matter, currently
 26 scheduled for October 22, 2009 at 2:30 p.m., for a period of at
 27 least 90 days until January 21, 2010 or on any date thereafter
 28 convenient to the Court.

1 Plaintiffs make this request based on the following:

2 1. Defendant FIDELITY INC. submitted to an audit as
3 demanded by the Complaint in this case.

4 2. The parties were unable to reach a settlement agreement
5 with respect to Plaintiffs' damages incurred for costs and
6 attorney's fees.

7 3. On August 28, 2009 the Clerk entered default as to
8 defendant FIDELITY, INC.

9 4. Plaintiffs will be filing a Motion For Default Judgment
10 against defendant FIDELITY, INC. within the next 60 days.

11 In order to not waste the Court's time and resources,
12 plaintiffs respectfully request that the case management
13 conference be continued until January 21, 2010 or any date
14 thereafter convenient to the Court.

15 Dated: October 15, 2009 KATZENBACH AND KHTIKIAN

16
17 By: /S/ Kimberly A. Hancock
18 Kimberly A. Hancock
Attorneys for Plaintiffs

19 **[PROPOSED] ORDER**

20 Good cause appearing, it is hereby ORDERED that the Case
21 Management Conference currently set for October 22, 2009 at 2:30
22 PM is continued to January 21, 2010 at ~~2:30~~ ^{2:00} PM in
23 Courtroom 3, 17th Floor.

24 Date: October 20, 2009



The Honorable Phyllis J. Hamilton
UNITED STATES DISTRICT COURT JUDGE

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2 **PROOF OF SERVICE BY MAIL**

3 I am a resident of the County of San Francisco, California.
4 I am over the age of eighteen years and not a party to this
5 action. My business address is Katzenbach & Khtikian, 1714
6 Stockton Street, Suite 300, San Francisco, California 94133. On
7 October 15, 2009 I served a true copy of the foregoing document
8 described as:

9 **REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE AND [Proposed]**
10 **ORDER**

11 by placing a true copy thereof enclosed in a sealed envelope with
12 first class mail postage thereon fully prepaid in the United
13 States Mail at San Francisco, California, addressed as follows:

14 Lewis Phon, Esq.
15 4040 Heaton Court
16 Antioch, CA 94509
17 Attorney for FIDELITY INC.

18 Fidelity, Inc. dba Tile Bella & Stone
19 1684 Decoto Road, #249
20 Union City, CA 94587

21 I declare under penalty of perjury that the foregoing is
22 true and correct, and that this declaration was executed on
23 October 15, 2009 in San Francisco, California.

24 /s/Alex Brown

25 Alex Brown
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27
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