

1 Muriel B. Kaplan, Esq. (SBN 124607)
 Michele R. Stafford, Esq. (SBN 172509)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 (415) 882-7900
 4 (415) 882-9287–Facsimile
 mkaplan@sjlawcorp.com
 5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F. G. CROSTHWAITE, et al., as Trustees of the
 OPERATING ENGINEERS' HEALTH AND
 11 WELFARE TRUST FUND, et al.,

12 Plaintiffs,

13 v.

14 A & J PUMPING, INC. and/or A & T
 PUMPING, INC., a California corporation,

15 Defendant.

Case No.: C10-3040 SBA

**REQUEST TO CONTINUE OR VACATE
 TELEPHONIC CASE MANAGEMENT
 CONFERENCE; [PROPOSED] ORDER
 THEREON**

Date: October 20, 2010

Time: 2:30 p.m.

Judge: The Honorable Sandra Brown
 Armstrong

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18 Plaintiffs herein respectfully request that the telephonic Case Management Conference
 19 currently on calendar for October 20, 2010, be continued or vacated entirely, in anticipation of
 20 Plaintiffs filing a Motion for Default Judgment.

21 1. As the Court's records will reflect, a Complaint was filed in this matter on July 12,
 22 2010, to compel Defendant's compliance with the terms of its Collective Bargaining Agreement by
 23 paying contributions reported but unpaid for the months of May through July 2006, June through
 24 December 2007, June and August 2009, January and February 2010, and thereafter through the
 25 time of Judgment, as well as liquidated damages and interest thereon; and interest that accrued on
 26 late-paid contributions for the month of April 2009.

27 2. Service on Defendant was effectuated on July 30, 2010, and a Proof of Service of
 28 Summons was filed with the Court on July 30, 2010.

1 3. On or about August 11, 2010, I received a telephone call from Steve Anderson,
2 Esq., who represented that he was calling on behalf of Defendant to request a two week extension
3 of time to answer the Complaint. Mr. Anderson stated that had not been retained to represent the
4 Defendant, and was informally assisting the Defendant who is a personal friend. The original
5 deadline for Defendant to file an answer to the Complaint was August 20, 2010; pursuant to Mr.
6 Anderson's request, I agreed to extend this deadline by two weeks, to September 3, 2010.

7 4. Plaintiffs allowed ten additional days to pass after the extended deadline before
8 filing a Request for Entry of Default on September 13, 2010, serving a courtesy copy on Mr.
9 Anderson.

10 5. Subsequently, Mr. Anderson left me a voicemail message inquiring about the
11 Request for Entry of Default. I returned his telephone call, and left a voicemail message in
12 response, however I did not receive a response. I have had no further contact from Mr. Anderson,
13 and have never had a response from Defendant.

14 6. On September 16, 2010, the Court entered the default of Defendant.

15 7. To date, Defendant has failed to plead or otherwise defend or appear in this action.
16 Therefore, Plaintiffs are currently preparing a Motion for Default Judgment which they anticipate
17 filing with the Court promptly.

18 8. There are no issues that need to be addressed at the currently scheduled Case
19 Management Conference. In the interest of conserving costs as well as the Court's time and
20 resources, Plaintiffs respectfully request that the Case Management Conference, currently

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1 scheduled for October 20, 2010, be vacated, or in the alternative be continued to either coincide
2 with the date to be set for the Motion or continued for 90 days to allow disposition of the Motion.

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

5 Executed this 7th day of October, 2010, at San Francisco, California.

6 SALTZMAN & JOHNSON
7 LAW CORPORATION

8 By: _____ /S/
9 Muriel B. Kaplan
Attorneys for Plaintiffs

10 IT IS SO ORDERED.

11 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
12 Management Conference is hereby vacated.

13 or

14 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
15 Management Conference is hereby continued to _January 20, 2011 at 2:30 p.m., via telephone. All
16 related deadlines are extended accordingly.

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18 Date: _10/18/10
19 _____
THE HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE

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PROOF OF SERVICE

I, the undersigned, declare:

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

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

3. On **October 7, 2010**, I served the following document(s):

REQUEST TO CONTINUE OR VACATE TELEPHONIC CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER THEREON

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

4. The envelopes were addressed and mailed as follows:

Trent Jones	Stephen Anderson
A & J Pumping, Inc. and/or	Murchison & Cumming LLP
A & T Pumping, Inc.	2010 Crow Canyon Place, Suite 380
2133 Martin Way	San Ramon, California 94583
Pittsburg, CA 94565	

Courtesy Copy

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **October 7, 2010**, at San Francisco, California.

/S/
Elise Thurman
Paralegal