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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE CEMENT
MASON'S HEALTH AND WELFARE TRUST
11 FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
12 MASON'S VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
13 BOARD OF TRUSTEES OF THE CEMENT
MASON'S PENSION TRUST FUND FOR
14 NORTHERN CALIFORNIA; AND BOARD
OF TRUSTEES OF THE CEMENT MASON'S
15 TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

16 Plaintiffs,

17 v.

18 C AND C CONCRETE, INC. a California
19 corporation and JOSE R. HERRERA, JR., an
individual,

20 Defendant.
21

Case No.: C 10-3343 LB

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

22 **STATEMENT**

23 Plaintiffs filed their Complaint for Breach of Collective Bargaining Agreement, To
24 Recover Unpaid Trust Fund Contributions, for Breach of Fiduciary Duty and for a Mandatory
25 Injunction ("Complaint") on July 29, 2010, seeking to recover past due employee fringe benefit
26 contributions on behalf of C and C Concrete, Inc.'s covered employees.
27
28

1 Defendants were served on August 6, 2010. Defendants failed to file a responsive
2 pleading. On September 3, 2010 Plaintiffs filed their Request For Clerk's Entry of Default. On
3 September 8, 2010 The Request for Clerk's Entry of Default was granted.

4 Recently, Defendants have been in direct negotiations with the Plaintiffs in an attempt to
5 resolve the matter prior to further litigation. Plaintiffs respectfully request that this Court allow
6 the parties an additional 30 days to attempt to settle the case.

7 Based on the above, Plaintiffs respectfully request that this Court continue the Case
8 Management Conference for 30 days at which time either Plaintiffs can report to the Court that
9 the case is settled or Plaintiffs will file their Motion for Default Judgment.

10 DATED: November 10, 2010

11 BULLIVANT HOUSER BAILEY PC

12
13 By *Ronald L. Richman*
14 Ronald L. Richman
Susan J. Olson

15 Attorneys for Plaintiffs

16 **ORDER**

17 Pursuant to Plaintiffs' request and good cause appearing:

18 IT IS HEREBY ORDERED that the Case Management Conference be continued to
19 January 13 _____, 2011, Courtroom 4, Oakland at 1:30 p.m. The parties shall file a Joint CMC
Statement by 1/6/11.

20 DATED: November 10, 2010

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22 By HON. LAUREL BEELER
23 UNITED STATES DISTRICT JUDGE

