

1 Ronald L. Richman, SBN 139189  
 Susan J. Olson, SBN 152467  
 2 BULLIVANT HOUSER BAILEY PC  
 601 California Street, Suite 1800  
 3 San Francisco, California 94108  
 Telephone: 415.352.2700  
 4 Facsimile: 415.352.2701  
 E-Mail: ron.richman@bullivant.com  
 5 E-Mail: susan.olson@bullivant.com

6 Attorneys for Plaintiffs

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

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

Case No.: CV 10 3344 LB

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

**Date: November 18, 2010**  
**Time: 1:30 p.m.**  
**Ctroom: 4, Oakland**  
**Hon. Laurel Beeler**

17 Plaintiffs,

18 v.

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

21 Defendant.

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


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   
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, ~~2010~~, 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

21  
22 By   
23 HON. LAURET J. ELER  
UNITED STATES DISTRICT JUDGE  


24 12931603.1