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6 Attorneys for Plaintiffs

7
 8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.,

11 Plaintiffs,

12 v.

13 IBARRA COATINGS, INC., a California
 14 Corporation, and DANIEL IBARRA, JR., an
 individual,

15 Defendants.

Case No.: C10-5174 SBA

**PLAINTIFFS' REQUEST TO
 VACATE CASE MANAGEMENT
 CONFERENCE; OR TO CONTINUE;
 ORDER THEREON;**

**CASE MANAGEMENT
 CONFERENCE STATEMENT**

Date: September 21, 2011
 Time: 2:30 p.m.
 Location: *Via Telephone*
 Judge: Hon. Sandra B. Armstrong

17
 18 Plaintiffs herein respectfully submit their Case Management Statement, requesting that the
 19 Case Management Conference currently on calendar for June 21, 2011 be vacated, or in the
 20 alternative, continued for 30-45 days to allow for resolution of Plaintiffs' Motion for Default
 21 Judgment, which is set for hearing on September 29, 2011.

22 1. Since the Court continued the previous Case Management Conference scheduled
 23 for June 9, 2011, Plaintiffs filed their Motion for Default Judgment and supporting documents
 24 (Dkt. #20-23). Said Motion was then referred (Dkt. #24) to Magistrate Judge Maria-Elena James
 25 on June 2, 2011 by the Honorable Sandra Brown Armstrong, for a report and recommendation.

26 2. Thereafter, upon receipt of notice of a bankruptcy filing by Defendant Daniel
 27 Ibarra, Jr., Plaintiffs filed a Notice of Automatic Stay Under 11 U.S.C. § 362 As To Defendant
 28 Daniel Ibarra, Jr. Only (Dkt. #26) on June 3, 2011, advising that Daniel Ibarra had filed a Chapter

1 7 Bankruptcy Petition in the U.S. Bankruptcy Court, Central District of California (Los Angeles)
2 on May 26, 2011, and that Plaintiffs' action would proceed against Defendant Ibarra Coatings,
3 Inc.

4 3. Magistrate Judge James' June 14, 2011 Notice of Referral (Dkt. #27) continued the
5 hearing on Plaintiffs' Motion to September 29, 2011, and requires that Plaintiffs file detailed
6 proposed findings of fact and conclusions of law by September 15, 2011 if no Opposition is filed.

7 4. Defendant's last day to file an Opposition to Plaintiffs' Motion was September 1,
8 2011, and no Opposition has been filed. Therefore, Plaintiffs are preparing their Proposed
9 Findings of Fact and Conclusions of Law in Support of Their Motion For Default Judgment as to
10 the issues specified by Magistrate Judge James.

11 4. There are still no issues that need to be addressed by the parties at the currently
12 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
13 time and resources, Plaintiffs respectfully request that the Case Management Conference,
14 currently scheduled for September 21, 2011, be vacated, or in the alternative be continued for 30-
15 45 days to allow for resolution of Plaintiffs' Motion for Default Judgment.

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

18 Executed this 8th day of September 2011, at San Francisco, California.

19 **SALTZMAN & JOHNSON**
20 **LAW CORPORATION**

21 By: _____/S/

22 Michele R. Stafford, Esq.
Attorneys for Plaintiffs

23 IT IS SO ORDERED.

24 The currently set Case Management Conference is hereby vacated and all related dates are
25 vacated accordingly.

26 Or

27 The currently set Case Management Conference is hereby continued to 11/16/11 at 3:15
28 p.m. and all previously set deadlines and dates related to this case are continued accordingly.

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Date: 9/9/11



THE HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE

1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

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

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

7 3. On **September 8, 2011**, I served the following document(s):

8 **PLAINTIFFS' REQUEST TO VACATE CASE MANAGEMENT CONFERENCE; OR TO**
9 **CONTINUE; [PROPOSED] ORDER THEREON; CASE MANAGEMENT CONFERENCE**
10 **STATEMENT**

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

17 4. The envelopes were addressed and mailed as follows:

18 Ibarra Coatings, Inc., A California Corporation
19 c/o Agent for Service of Process
20 Corporation Service Company Which Will Do Business
21 In California As CSC - Lawyers Incorporating Service
22 2730 Gateway Oaks Dr Ste 100
23 Sacramento CA 95833

24 Daniel Ibarra, Jr., an individual
25 6426 Crossway Drive
26 Pico Rivera CA 90660

27 I declare under penalty of perjury that the foregoing is true and correct and that this
28 declaration was executed on **September 8, 2011**, at San Francisco, California.

29 _____ /S/
30 Elise Thurman
31 Paralegal