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6 Attorney for Plaintiffs

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8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN  
 CALIFORNIA HEALTH AND WELFARE  
 11 TRUST FUND, et al.,

12 Plaintiffs,

13 v.

14 WALLACE FLOORING, INC., a California  
 corporation,

15 Defendant.

16

17

Case No.: C10-5961 CW (BZ)

**REQUEST FOR ENTRY OF DEFAULT  
 JUDGMENT WITHOUT HEARING;  
 DECLARATION OF BLAKE E.  
 WILLIAMS IN SUPPORT THEREOF**

Date: May 25, 2011  
 Time: 10:00 a.m.  
 Courtroom: G, 15<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 San Francisco, California

Judge: Magistrate Judge Bernard Zimmerman

18

19 I, Blake E. Williams, declare:

20 1. I am an attorney at law licensed to practice in the State of California, and am an  
 21 associate of Saltzman and Johnson Law Corporation, attorneys for Plaintiffs herein.

22 2. I submit this Declaration in support of Plaintiffs’ pending Motion for Default  
 23 Judgment filed on March 4, 2011. I am requesting that Judgment be entered by the Court without  
 24 the necessity of a hearing and that the Court vacate the hearing date presently set for May 25, 2011  
 25 at 10:00 a.m. before the Honorable Magistrate Judge Bernard Zimmerman.

26 3. The time for filing any Opposition to the Motion for Default Judgment has passed.  
 27 Entering Judgment without the necessity of a hearing will keep the fees and costs at a minimum,  
 28 particularly in light of the fact that collection is uncertain.

1 4. As the Court is aware, this matter has been ongoing for some time. Defendant has  
2 a history of ignoring response dates. While Plaintiffs are attempting to collect the amounts  
3 already due, it is unlikely that Plaintiffs will come close to full recovery.

4 Defendant has closed its doors, and is no longer in business. Attached hereto as  
5 **EXHIBIT A** and incorporated herein by reference are true and correct copies of a computer  
6 printout from the Contractors State License Board website, showing Wallace Flooring's license is  
7 canceled and not able to contract, and a computer printout from the California Secretary of State  
8 website, showing Wallace Flooring as a dissolved corporation.

9 As attorneys' fees and costs are "out of pocket," Plaintiffs are attempting to keep  
10 fees (and thus the Trust Funds' loss) at a minimum.

11 5. Plaintiffs have exercised due diligence by mailing a copy of the Notice of Motion  
12 and Motion for Default Judgment to Defendant. I have received nothing to date, nor have I heard  
13 anything from Defendant.

14 I declare under penalty of perjury that the foregoing is true of my own knowledge and if  
15 called upon I could competently testify thereto.

16 Executed this 5th day of May, 2011, at San Francisco, California.

17 SALTZMAN & JOHNSON  
18 LAW CORPORATION

19 By: \_\_\_\_\_/s/\_\_\_\_\_  
20 Blake E. Williams  
Attorneys for Plaintiffs

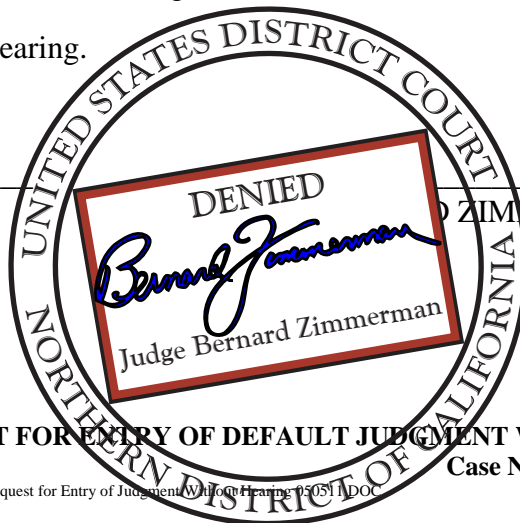
21 IT IS SO ORDERED.

22 Default Judgment is entered for Plaintiffs and against Defendant, as stated in the [Proposed]  
23 Judgment without the necessity of a hearing.

24  
25 Dated: \_\_\_\_\_

26 **REQUEST IS**  
27 **DENIED.**

28 Dated: 5/20/2011



-2-  
REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING  
Case No.: C10-5961 CW (BZ)

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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On May 5, 2011, I served the following document(s):

**REQUEST FOR ENTRY OF DEFAULT JUDGMENT WITHOUT HEARING;  
DECLARATION OF BLAKE E. WILLIAMS IN SUPPORT THEREOF**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Charles Elliott Wallace  
Agent for Service of Process  
Wallace Flooring, Inc.  
1532 Settlers Court  
Folsom, California 95630**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 5th day of May, 2011, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Qui X. Lu