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7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F.G. CROSTHWAITE, et al.

Case No.: C11-5067 PJH

11 Plaintiffs,

**PLAINTIFFS’ CASE MANAGEMENT
CONFERENCE STATEMENT; REQUEST
TO CONTINUE AND ORDER**

12 v.

13 ESPINOSA SURVEYING, INC., a California
 Corporation; PETER ESPINOSA, an
 14 individual, JOANNE C. ESPINOSA, an
 individual, BRIANDA MICHELLE
 15 ESPINOSA, an individual, and JOVANNA
 BETTIN ESPINOSA, an individual,

Date: January 26, 2012
 Time: 2:00 p.m.
 Dept.: Courtroom 3, 3rd Floor
 1301 Clay Street, Oakland
 Judge: Honorable Phyllis J. Hamilton

16 Defendants.
17

18 Plaintiffs hereby submit their Case Management Conference Statement and Request to
19 Continue Case Management Conference:

20 1. As the Court’s record will reflect, the Complaint was filed October 14, 2011
 21 against all named Defendants to collect delinquent employee benefit contributions. As Plaintiffs’
 22 counsel had been working with Defendants’ counsel for some time to resolve the matter, the
 23 Complaint was not immediately served. In addition, Plaintiffs’ counsel had learned that Peter
 24 Espinoza was incarcerated, which poses difficulties when it comes to service of process.

25 2. Plaintiffs’ and Defendants’ Counsel have been discussing a payment plan, by
 26 Stipulated Judgment, to resolve this matter. Defendants have been wholly cooperative and have
 27 agreed to accept service of the Complaint to keep expenses at a minimum. In turn, Plaintiffs have
 28 agreed to extend the time to respond to the Complaint so that a settlement may be reached before

1 further litigation expenses are incurred. Defendants have made some payments toward their
2 arrearages, expressed interest in bringing their account current and have advised that it is their
3 hope to remain in business.

4 3. Defendants are being provided with a summary of all amounts owed to date, and
5 will review their finances to ascertain a monthly payment amount that will work, while keeping
6 the business current in contributions.

7 4. As it appears that this matter will resolve shortly, and in the interest of saving the
8 fees and costs associated with participation in the Case Management Conference, I am asking that
9 the Court continue it for 60 – 90 days to allow for settlement and the preparation and filing of a
10 Stipulated Judgment.

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

13 Executed this 18th day of January, 2012, at San Francisco, California.

14 SALTZMAN & JOHNSON LAW CORPORATION

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16 By: /s/ Michele R. Stafford
17 Michele R. Stafford
18 Attorneys for Plaintiffs

18 **ORDER**

19 The Case Management Conference, currently scheduled for January 26, 2012, is hereby
20 continued to March 29, 2012, 2012. All related deadlines are extended accordingly.

21 IT IS SO ORDERED.

22
23 Date: 1/23/12

24
25 HONORABLE _____ MILTON
26 United States

