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7 Attorneys for Plaintiffs

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,

17 Plaintiffs,

18 vs.

19 RIVER VIEW CONSTRUCTION, INC., a  
 California corporation; and GREGORY  
 20 GORESHNIK, an individual,

21 Defendants.

Case No.: CV 12-03514 PJH

**CASE MANAGEMENT CONFERENCE  
 STATEMENT; ORDER THEREON**

**DATE: November 8, 2012**

**TIME: 2:00 p.m.**

**CTROOM: 3, 3<sup>rd</sup> Floor**

**Hon. Phyllis J. Hamilton**

22  
 23 Plaintiffs file this abbreviated Case Management Conference Statement.

24 On July 6, 2012, Plaintiffs filed their Complaint For Damages for Breach of Collective  
 25 Bargaining Agreement, To Recover Unpaid Trust Fund Contributions and For A Mandatory  
 26 Injunction ("Complaint") seeking to recover employee fringe benefit contributions on behalf of  
 27 Defendant River View Construction, Inc.'s covered employees. On July 23, 2012, the  
 28 Complaint was served on Defendant River View's agent for service of process, Gregory

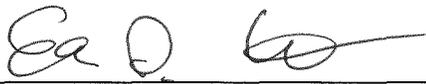
1 Goreshnik, and was served on Goreshnik individually, also a named defendant. No responsive  
2 pleading was filed.

3 On September 6, 2012, Plaintiffs filed their Request for Clerk's Entry of Default. On  
4 September 7, 2012, the Clerk of Court entered the default of Defendants River View  
5 Construction, Inc. and Gregory Goreshnik.

6 Plaintiffs intend to proceed in default and have a motion for default judgment on file  
7 within 30 days. Based on the above, Plaintiffs request that the case management conference be  
8 continued for approximately 30 days, allowing Plaintiffs time to file and serve their motion for  
9 default judgment.

10  
11 DATED: October 31, 2012

12 BULLIVANT HOUSER BAILEY PC

13  
14 By 

15 Ronald L. Richman  
16 Susan J. Olson  
17 Edward D. Winchester

18 Attorneys for Plaintiffs

19 **ORDER**

20 Plaintiffs having submitted their Case Management Conference Statement and good  
21 cause appearing:

22 IT IS HEREBY ORDERED that the case management conference scheduled for  
23 November 8, 2012 be continued until January 3, 2013 at 2:00 p.m. In the event Plaintiffs  
24 file their Motion for Default Judgment on or before the date for the continued case management  
25 conference, the continued case management conference shall be vacated.

26 DATED: November 5, 2012

27 By   
28 HON. PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
JUDGE

13911555.1

1 **PROOF OF SERVICE**

2 I am employed in the City and County of San Francisco by the law firm of Bullivant  
3 Houser Bailey, PC ("the business"), 601 California Street, Suite 1800, San Francisco, CA  
4 94108. I am over the age of 18 and not a party to this action. On October 31, 2012, I served the  
document(s) entitled:

5 **CASE MANAGEMENT CONFERENCE STATEMENT;  
6 ORDER THEREON**

7 upon the following party(ies):

|  |   |
|--|---|
| 8 River View Construction, Inc.<br>4003 Seaport Blvd.<br>West Sacramento, CA 95691 | 9 Gregory Goreschnik<br>4003 Seaport Blvd.<br>West Sacramento, CA 95691 |
|--|---|

10  
11  **BY MAIL** (CCP § 1013(a)): I am readily familiar with the ordinary practice of the  
12 business with respect to the collection and processing of correspondence for mailing  
13 with the United States Postal Service. I placed a true and correct copy(ies) of the above-  
14 titled document(s) in an envelope(s) addressed as above, with first class postage thereon  
15 fully prepaid. I sealed the aforesaid envelope(s) and placed it(them) for collection and  
mailing by the United States Postal Service in accordance with the ordinary practice of  
the business. Correspondence so placed is ordinarily deposited by the business with the  
United States Postal Service on the same day.

16  **BY FACSIMILE TRANSMISSION** (CCP § 1013(e), CRC 2.306): I transmitted the  
17 document(s) by facsimile transmission by placing it(them) in a facsimile machine  
18 (telephone number 415-352-2701) and transmitting it(them) to the facsimile machine  
19 telephone number(s) listed above. A transmission report was properly issued by the  
transmitting facsimile machine. Each transmission was reported as complete and  
without error. A true and correct copy of the transmission report is attached hereto.

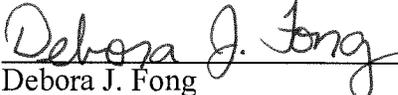
20  **BY OVERNIGHT DELIVERY** (CCP § 1013(c)): I am readily familiar with the  
21 ordinary practice of the business with respect to the collection and processing of  
22 correspondence for mailing by Express Mail and other carriers providing for overnight  
23 delivery. I placed a true and correct copy(ies) of the above-titled document(s) in an  
24 envelope(s) addressed as above, with first class postage thereon fully prepaid. I sealed  
25 the aforesaid envelope(s) and placed it(them) for collection and mailing by Express Mail  
or other carrier for overnight delivery in accordance with the ordinary practice of the  
business. Correspondence so placed is ordinarily deposited by the business with Express  
Mail or other carrier on the same day.

26  **BY PERSONAL SERVICE UPON AN ATTORNEY** (CCP § 1011(a)): I placed a true  
27 and correct copy(ies) of the above-titled document(s) in a sealed envelope(s) addressed  
28 as indicated above. I delivered each of said envelope(s) by hand to a receptionist or a  
person authorized to accept same at the address on the envelope, or, if no person was  
present, by leaving the envelope in a conspicuous place in the office between the hours  
of nine in the morning and five in the afternoon.

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BY PERSONAL SERVICE UPON A PARTY (CCP § 1011(b)): I placed a true and correct copy(ies) of the above-titled document(s) in a sealed envelope(s) addressed as indicated above. I delivered each of said envelope(s) by hand to a person of not less than 18 years of age at the address listed on the envelope, between the hours of eight in the morning and six in the evening.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 2012, at San Francisco, California.

  
\_\_\_\_\_  
Debora J. Fong