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6 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 BRICKLAYERS LOCAL NO. 3 PENSION  
 TRUST, et al.

10 Plaintiffs,

11 v.

12 ATLAS MARBLE & GRANITE, et al.,

13 Defendants.

Case No.: CV13-4702 CW

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

Date: April 2, 2014  
 Time: 2:00 p.m.  
 Location: 1301 Clay Street, Oakland CA  
 Courtroom: 2, 4<sup>th</sup> Floor  
 Judge: Honorable Claudia Wilken

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17 Plaintiffs herein respectfully submit their request that the initial Case Management  
 18 Conference, currently on calendar for April 2, 2014, be continued for approximately 60 – 90 days.  
 19 Good cause exists for the granting of the continuance, as follows:

20 1. As the Court's records will reflect, this action was filed on October 9, 2013. All  
 21 Defendants executed Waivers of Service of Summons, which were filed with the Court on  
 22 December 6, 2013 (Dkt. #9-11).

23 2. Defendants have not filed or served an answer to the Complaint. A Motion for  
 24 Entry of Default is being filed concurrently with this request.

25 3. Defendants have requested a payment plan for all amounts due to the Trust Funds.  
 26 A Judgment Pursuant to Stipulation providing for a monthly payment plan is being prepared and  
 27 will be provided to Defendants for review and signature.

28 4. Accordingly, Plaintiffs respectfully request that the Case Management Conference,

**PLAINTIFFS' REQUEST TO CONTINUE CMC; [~~PROPOSED~~] ORDER THEREON**

**Case No.: C13-4702 CW**

1 currently scheduled for April 2, 2014, be continued for 60 - 90 days to allow time for the  
2 Judgment Pursuant to Stipulation to be executed and filed with the Court.

3 5. There are no issues that need to be addressed by the parties at the currently  
4 scheduled initial Case Management Conference. In the interest of conserving costs as well as the  
5 Court's time and resources, Plaintiffs respectfully request that the Court continue the currently  
6 scheduled Case Management Conference.

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

9 Executed this 26<sup>th</sup> day of March 2014, at San Francisco, California.

10 SALTZMAN & JOHNSON  
11 LAW CORPORATION

12 By: \_\_\_\_\_/S/  
13 Michele R. Stafford  
14 Attorneys for Plaintiffs

15 IT IS SO ORDERED.

16 The currently set initial Case Management Conference is hereby continued to June 11,  
17 2014 at 2:00 p.m., and all previously set deadlines and dates related to this case are continued  
18 accordingly.

19 Date: 3/31/2014

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21 \_\_\_\_\_  
22 HONORABLE CLAUDIA WILKEN  
23 UNITED STATES DISTRICT COURT JUDGE  
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PROOF OF SERVICE

I, the undersigned, declare:

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

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

3. On **March 26, 2014**, I served the following document(s):

**PLAINTIFFS' REQUEST TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER THEREON**

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

4. The envelopes were addressed and mailed as follows:

David Hernandez  
Atlas Marble and Granite  
27643 Industrial Blvd.  
Hayward CA, 94545

Peter Godinez  
27643 Industrial Blvd.  
Hayward CA, 94545

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **March 26, 2014**, at San Francisco, California.

\_\_\_\_\_/S/  
Michelle Valentine  
Paralegal