

1 Ronald L. Richman, SBN 139189
 Susan J. Olson, SBN 152467
 2 Heather J. Zacharia, SBN 280444
 BULLIVANT HOUSER BAILEY PC
 3 235 Pine Street, Suite 1500
 San Francisco, California 94104-2752
 4 Telephone: 415.352.2700
 Facsimile: 415.352.2701
 5 E-Mail: ron.richman@bullivant.com
 susan.olson@bullivant.com
 6 heather.zacharia@bullivant.com

7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 12 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 13 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 14 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 15 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 16 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 17 CALIFORNIA,
 Plaintiffs,
 18
 vs.
 19 ROBERT ROSS HAZARD, an individual, dba
 Hazard Concrete Construction,
 20
 Defendant.
 21

Case No.: 4:15-cv-00934-YGR

PLAINTIFFS' COMPLIANCE STATEMENT; ORDER THEREON

Date: July 10, 2015
Time: 9:01 a.m.
Location: Courtroom 1, 4th Floor
1301 Clay Street
Oakland, CA 94612
Before Hon. Yvonne Gonzalez Rogers

22
 23 Plaintiffs Board of Trustees of the Laborers Health and Welfare Trust Fund for Northern
 24 California, Board of Trustees of the Laborers Vacation Holiday Trust Fund for Northern
 25 California, Board of Trustees of the Laborers Pension Trust Fund for Northern California, and
 26 Board of Trustees of the Laborers Training and Retraining Trust Fund for Northern California
 27 (collectively, "Plaintiffs") respond to this Court's Order Setting Compliance Hearing as follows.
 28 ///

1 On March 3, 2015, Plaintiffs filed their Complaint for Breach of Collective Bargaining
2 Agreement, To Recover Unpaid Trust Fund Contributions and for a Mandatory Injunction
3 (“Complaint”). See Document 3. On March 10, 2015, this case was reassigned to this Court.
4 See Document 7. On March 12, 2015, an Administrative Motion to Relate Cases was filed. See
5 Document 8.¹ The Complaint was served via substituted service on March 29, 2015. See
6 Document 13. After defendant failed to file a responsive pleading, Plaintiffs’ requested the
7 clerk to enter default of the defendant. See Documents 14-16. On May 15, 2015, the Clerk’s
8 Entry of Default was filed. See Document 17. On May 26 2015, this Court issued its Order
9 Setting Compliance Hearing. See Document 18.

10 On May 28, 2015, Plaintiffs requested this Court vacate the original compliance hearing
11 date of June 12, 2015, (per the clerk’s notice correcting the date of compliance hearing) to allow
12 Plaintiffs to gather the various documents, including declarations, and information required to
13 support the Motion for Default. See Documents, 19, 20. The Court granted Plaintiffs’ request
14 and re-set the Compliance Hearing for July 10, 2015. See Document 21. In the interim, and
15 since Plaintiff’s May 28, 2015 request, settlement discussions began between plaintiff and
16 defendant Robert Ross Hazard, which are ongoing. The parties are in the process of finalizing a
17 settlement, and believe that a settlement will be finalized by July 20, 2015.

18 Based on the above, Plaintiffs respectfully request that this Court continue the current
19 Compliance Hearing date of July 10, 2015, and reset it for August 7, 2015.

20 DATED: July 1, 2015

21 BULLIVANT HOUSER BAILEY PC

22
23 By /s/ Heather J. Zacharia
24 Heather J. Zacharia

25 Attorneys for Plaintiffs

26 15614266.1

27 _____
28 ¹ At the time the Administrative Motion to Relate Cases was filed, the Cement Masons Trust
Funds had a similar action against defendant. The Cement Masons litigation has been resolved
and the matter dismissed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the Plaintiffs' response to this Court's Order Setting Compliance Hearing and good cause appearing,

IT IS HEREBY ORDERED that the July 10, 2015 Compliance Hearing be continued to August 14, 2015 at 9:01 a.m., Courtroom 1, 4th Floor (Oakland). Five (5) business days prior to the compliance hearing, Plaintiffs shall file either: (a) their Stipulation for Dismissal; or (b) a one-page statement setting forth their failure to comply. If the Stipulation for Dismissal is filed prior to the compliance hearing, plaintiffs need not appear and the compliance hearing will be taken off calendar.

DATED: July 7, 2015

By: 

HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE