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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 PENSION PLAN FOR PENSION TRUST
8 FUND FOR OPERATING ENGINEERS, et
9 al.,

10 Plaintiffs,

11 v.

12 CONSTRUCTION MATERIALS
13 TESTING, INC., et al.,

14 Defendants.

Case No. [15-cv-05325-DMR](#)

**ORDER LIFTING THE STAY,
REOPENING CASE AND SETTING
CASE MANAGEMENT CONFERENCE
FOR AUGUST 16, 2017**

15 Plaintiffs filed this action pursuant to the Employee Retirement Income Security Act
16 (“ERISA”), as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C.
17 §§ 1001-1461, to collect withdrawal liability assessed against Defendant Construction Materials
18 Testing, Inc. (“CMT”) and Does 1 through 10. Complaint at 2 [Docket No. 1]. Because CMT did
19 not respond to the complaint, Plaintiffs moved for default judgment against CMT. Plaintiffs’
20 Motion for Default Judgment [Docket No. 20].

21 On June 29, 2016, CMT filed for Chapter 11 bankruptcy. See Notice of Chapter 11
22 Bankruptcy Case [Docket No. 47-1]. Plaintiff thereafter filed a notice of automatic under 11
23 U.S.C. § 362. See Notice of Automatic Stay under 11 U.S.C. § 362 [Docket No. 47.]

24 On July 18, 2016, the court stayed this case under 11 U.S.C. § 362 and ordered the Clerk to
25 administratively close the file. See 7/18/16 Order Staying Case [Docket No. 48].

26 On January 24, 2017, CMT’s Chapter 11 bankruptcy case was dismissed. See Exhibit A to
27 Withdrawal of Notice of Automatic Stay (“Withdrawal Notice”) [Docket No. 51-1].

28 On July 11, 2017, Plaintiffs filed a Withdrawal of the Notice of Automatic Stay. See
Withdrawal Notice at 1.

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In light of the foregoing, the court therefore lifts the stay, orders the Clerk to reopen the case, and sets a Case Management Conference for **August 16, 2017 at 1:30 p.m.** The Case Management Statement is due no later than August 9, 2017.

Plaintiffs shall serve a copy of this order on Defendant and file proof of service with the court.

IT IS SO ORDERED.

Dated: July 12, 2017

