

1 Michele R. Stafford, Esq. (SBN 172509)  
 George R. Nemiroff (SBN 262058)  
 2 SALTZMAN & JOHNSON LAW CORPORATION  
 44 Montgomery Street, Suite 2110  
 3 San Francisco, California 94104  
 Telephone: (415) 882-7900  
 4 Facsimile: (415) 882-9287  
 Email: mstafford@sjlawcorp.com  
 5 Email: gnemiroff@sjlawcorp.com

6 Attorneys for Plaintiffs, Operating Engineers' Health  
 and Welfare Trust Fund For Northern California, et al.  
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8 David C. Johnston (SBN 71367)  
 Attorney at Law  
 9 1600 G Street, Suite 102  
 Modesto, California 95354  
 10 Telephone: (209) 579-1150  
 Facsimile: (209) 579-9420  
 11 Email: [david@johnstonbusinesslaw.com](mailto:david@johnstonbusinesslaw.com)

12 Attorney for Defendant Central Valley Construction, Inc.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15

16 OPERATING ENGINEERS' HEALTH AND  
 WELFARE TRUST FUND FOR NORTHERN  
 17 CALIFORNIA, et al.,

18 Plaintiffs,

19 v.

20 CENTRAL VALLEY CONSTRUCTION, INC., a  
 California corporation;

22 Defendant.  
 23  
 24

Case No.: 17-cv-02365-KAW

**JOINT REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE OR, IN  
 THE ALTERNATIVE, REQUEST FOR  
 TELEPHONIC APPEARANCE;  
 [PROPOSED] ORDER THEREON**

Date: Tuesday, July 25, 2017

Time: 10:00 a.m.

Ctrm: 4, Third Floor

1301 Clay Street

Oakland, California

Judge: Hon. Magistrate Judge

Kandis A. Westmore

25 Plaintiffs Operating Engineers' Health and Wealth Trust Fund, et al. and Defendant Central  
 26 Valley Construction, Inc. (collectively, "the Parties") respectfully request that the Case Management  
 27 Conference, currently on calendar for July 25, 2017, be continued for approximately sixty to ninety (60-  
 28

1 90) days. Good cause exists for the granting of the continuance, as follows:

2 1. As the Court's records will reflect, this action was filed on April 26, 2017 (Dkt. #1).  
3 Defendant was personally served on May 4, 2017, and a Proof of Service of Summons was filed with the  
4 Court on May 25, 2017 (Dkt. #9). Defendant has retained counsel and counsel for Defendant filed an  
5 Answer to Complaint (Dkt. #8).

6 2. Defendant's counsel has contacted Plaintiffs' counsel and the parties are currently  
7 working to resolve this matter without the need for further litigation. The parties filed an ADR  
8 stipulation agreeing to proceed to mediation. (Dkt. #13).

9 3. Defendant's counsel has notified Plaintiffs' counsel that he and his spouse are currently  
10 recovering from physical injuries but has nevertheless indicated his willingness to attempt to resolve the  
11 matter informally.

12 4. There are no issues that need to be addressed by the parties at the currently scheduled  
13 Case Management Conference. In the interest of conserving costs, as well as the Court's time and  
14 resources, the Parties respectfully request that the upcoming Case Management Conference be continued  
15 for approximately sixty to ninety (60-90) days, to allow sufficient time to informally attempt to resolve  
16 the matter and to proceed to mediation if the matter cannot be informally resolved.

17 5. In the alternative, Plaintiffs request that they may appear at the hearing telephonically. As  
18 attorneys' fees and costs are "out of pocket," Plaintiffs are attempting to keep fees (and thus the Trust  
19 Funds' loss) at a minimum.

20 Executed this 18th day of July 2017 at San Francisco, California.

21  
22 SALTZMAN & JOHNSON LAW CORPORATION

23 By:

24 \_\_\_\_\_ /S/

25 George R. Nemiroff  
26 Attorneys for Plaintiffs, Operating Engineers' Health  
27 and Welfare Trust Fund For Northern California, et  
28 al.

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DAVID C. JOHNSTON, ATTORNEY AT LAW

/S/

David C. Johnston  
Attorney for Defendant, Central Valley Construction

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to  
October 17, 2017 at 1:30 pm, and all previously set deadlines and dates  
related to this case are continued accordingly, or, alternatively, Plaintiffs may appear at the Case  
Management Conference by telephone.

DATED: 7/19, 2017

  
UNITED STATES MAGISTRATE JUDGE

1 **ATTESTATION CERTIFICATE**

2 In accord with the Northern District of California’s Civil Local Rule 5-1, I attest that  
3 concurrence in the filing of this document has been obtained from each of the other signatories who are  
4 listed on the signature page.

5 Dated: July 18, 2017

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7 By: \_\_\_\_\_ /S/  
8 George R. Nemiroff  
9 Attorneys for Plaintiffs  
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