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10 Attorney for Defendant, Vortex Marine Construction, Inc.,
 11 A California Corporation, dba Vortex Diving, Inc.,

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 OPERATING ENGINEERS' HEALTH AND
 WELFARE TRUST FUND, et al.,
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 Plaintiffs,
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 v.
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 19 VORTEX MARINE CONSTRUCTION, INC., a
 California Corporation, dba VORTEX DIVING,
 20 INC.,
 Defendant.

Case No. C17-03614 KAW

**JOINT REQUEST TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 EXTEND MEDIATION DEADLINE;
 [PROPOSED] ORDER THEREON**

Date: October 23, 2018
 Time: 1:30 p.m.
 Location: 1301 Clay Street,
 Oakland, California
 Judge: Honorable Kandis A.
 Westmore

22 Plaintiffs and Defendant Vortex Marine Construction, Inc., A California Corporation, ("Vortex"
 23 or "Defendant"), by and through their respective counsel of record, hereby respectfully request to
 24 continue the Case Management Conference, currently on calendar for October 23, 2018 for
 25 approximately ninety (90) days. Plaintiffs and Defendant also respectfully request to extend the deadline
 26 to hold the mediation session by ninety (90) days. Good cause exists for the extensions, as follows:

1. As the Court's records will reflect, this action was filed on June 22, 2017 (Dkt. #1).

1 Defendant's Agent for Service of Process was served on July 14, 2017. Plaintiffs filed a Proof of Service
2 of Summons with the Court on August 23, 2017 (Dkt. #8).

3 2. Plaintiffs filed a Request for Entry of Default on August 23, 2017 (Dkt. #9). Default was
4 entered on August 29, 2017 (Dkt. #10).

5 3. Plaintiffs filed a Motion for Default Judgment on February 6, 2018 (Dkt. #15). Defendant
6 filed an Opposition to Plaintiffs' Motion for Default Judgment on February 20, 2018 (Dkt. #26).

7 4. Defendant filed a Motion to Set Aside Entry of Default on February 20, 2018 (Dkt. #23).
8 Plaintiffs filed an Opposition to Defendant's Motion to Set Aside Entry of Default on March 6, 2018
9 (Dkt. #31).

10 5. The Hearing on Defendant's Motion to Set Aside Entry of Default was held on April 19,
11 2018. On April 27, 2018, this Court issued an Order temporarily granting Defendant's Motion to Set
12 Aside Entry of Default (Dkt. #38).

13 6. On June 20, 2018, the Court granted Defendant's Motion to Set Aside Entry of Default
14 (Dkt. #46).

15 7. On June 26, 2018, Counsel participated in a Case Management Conference. At that time,
16 the Court set the pretrial schedule.

17 8. On June 26, 2018, the Court ordered the Parties to participate in mediation within the
18 presumptive deadline of ninety days, (Dkt. No. 52), as stipulated.

19 9. On July 3, 2018, the Court issued a Notice of Appointment of Mediator Randall
20 Willoughby (Dkt. No. 53).

21 10. The Parties participated in a pre-mediation phone conference on July 25, 2018 with Mr.
22 Willoughby.

23 11. Counsel then attempted to coordinate via e-mail to secure a mutually agreeable date for
24 mediation. However, the Parties and Mr. Willoughby were unable to coordinate an acceptable date.

25 12. Counsel then determined that both November 1, 2018 and November 8, 2018 are dates
26 that are acceptable to all necessary individuals except Mr. Willoughby, the mediator.

27 13. The Parties have confirmed that due to scheduling conflicts, it will be impossible to hold
28

1 a mediation session during any other date in November or December.

2 14. Counsel then contacted the Court's ADR department who confirmed that they can
3 attempt to find another mediator for either November 1, 2018 or November 8, 2018 however the ADR
4 department confirmed that the mediation deadline must be extended by the Court first.

5 15. On October 16, 2018, Mr. Willoughby's office contacted Counsel to state that Mr.
6 Willoughby is now available to conduct mediation on November 1, 2018.

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1 16. Therefore, there are no issues that need to be addressed by this Court at the currently
2 scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's time
3 and resources, the Parties respectfully request that the upcoming Case Management Conference be
4 continued for approximately ninety (90) days, to allow sufficient time for the Parties to participate in
5 mediation. Further, the Parties therefore respectfully request that the Court extend the mediation
6 deadline by ninety (90) days to allow the Parties to attempt to hold the mediation on November 1, 2018
7 and to have additional flexibility to proceed to mediation in January 2019 if circumstances prevent
8 mediation from being held on November 1, 2018.

9 Respectfully submitted,

10 DATED: October 16, 2018

**SALTZMAN & JOHNSON LAW
CORPORATION**

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12
13 By: _____ /S/
14 Matthew P. Minser
15 Attorneys for Plaintiffs, Operating Engineers'
16 Health And Welfare Trust Fund for Northern
17 California, et al.

18 DATED: October 16, 2018

LAW OFFICE OF MARCUS T. BROWN

19 By: _____ /S/
20 Marcus T. Brown
21 Attorneys for Defendant, Vortex Marine
22 Construction, Inc., A California Corporation, dba
23 Vortex Diving, Inc.

24 **IT IS SO ORDERED.**

25 The currently set Case Management Conference is hereby continued to
26 February 19, 2019 at 1:30 p.m., and all previously set deadlines and dates
27 related to this case are continued accordingly. The deadline to hold the mediation session is extended by
28 _____ days to January 31, 2019.

DATED: 10/17, 2018


UNITED STATES MAGISTRATE JUDGE

CERTIFICATION RE: SIGNATURES

I attest that concurrence in the filing has been obtained from the other Signatory.

DATED: October 16, 2018

By: _____ /S/
Matthew P. Minser

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