

MAR 15 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NORTHWEST ADMINISTRATORS,)
INC.,)

No. 10-35888

Plaintiff – Appellee,)

D.C. No. 2:10-cv-00194-MAT

v.)

MEMORANDUM*

ACE PAVING CO., INC., a)
Washington corporation,)

Defendant – Appellant.)

NORTHWEST ADMINISTRATORS,)
INC.,)

No. 10-35998

Plaintiff – Appellee,)

D.C. No. 2:10-cv-00647-JPD

v.)

ACE PAVING CO., INC., a)
Washington corporation,)

Defendant – Appellant.)

NORTHWEST ADMINISTRATORS,)
INC.,)

No. 10-36008

*This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

)	D.C. No. 2:10-cv-00813-JCC
Plaintiff – Appellee,)	
)	
v.)	
)	
ACE PAVING CO., INC., a)	
Washington corporation,)	
)	
Defendant – Appellant.)	
)	
)	

Appeal from the United States District Court
 for the Western District of Washington
 Mary A. Theiler, Magistrate Judge, Presiding**
 James P. Donohue, II, Magistrate Judge, Presiding***
 John C. Coughenour, District Judge, Presiding****

Submitted March 5, 2012*****
 Seattle, Washington

Before: FERNANDEZ and PAEZ, Circuit Judges, and KOH,***** District
 Judge.

Ace Paving Co., Inc. appeals the district court’s grant of summary judgment

** (No. 10-35888).

*** (No. 10-35998).

**** (No. 10-36008).

***** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

***** The Honorable Lucy H. Koh, United States District Judge for the Northern District of California, sitting by designation.

in favor of Northwest Administrators, Inc. in these three cases. We affirm.

Ace asserts that the district court erred when it determined that Ace must pay liquidated damages based upon the amount of contributions that remained unpaid when an action commenced, even if the contributions were paid before judgment was entered. We disagree; the law of this circuit required that result. See Nw. Adm'rs, Inc. v. Albertson's, Inc., 104 F.3d 253, 257–58 (9th Cir. 1996); see also Idaho Plumbers & Pipefitters Health & Welfare Fund v. United Mech. Contractors, Inc., 875 F.2d 212, 215 (9th Cir. 1989). We reject Ace's assertion that we are not bound by those cases. See Hart v. Massanari, 266 F.3d 1155, 1171 (9th Cir. 2001); see also Cetacean Cmty. v. Bush, 386 F.3d 1169, 1173 (9th Cir. 2004).

AFFIRMED.