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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

THOMAS E. PEREZ,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

SCOTT BRAIN, et al.

Defendants.

Case No. LA CV14-03911-JAK-AGRx

AMENDED JUDGMENT

1 On October 14, 2016, this Court issued the Final Judgment and Permanent
2 Injunction in this action. In the Final Judgment and Permanent Injunction, this
3 Court entered the following permanent injunction against Defendants Scott Brain,
4 Melissa W. Cook, and Melissa W. Cook & Associates, P.C.:

5 1) Defendant Brain is removed as a Trustee for any and all of the Cement
6 Masons Southern California Trust Funds.

7 Defendant Brain is hereby permanently restrained and enjoined from:

8 (a) serving in any fiduciary capacity, including but not limited to
9 serving as a Trustee, for any of the Cement Masons Southern
10 California Trust Funds, their successors, or their assigns; and

11 (b) applying for, or accepting any fiduciary position with any
12 ERISA-covered plan, unless in connection with such an
13 application and prior to accepting any such position that is
14 offered, Defendant Brain first discloses the terms of this Final
15 Judgment and Permanent Injunction.

16 2) Any attorney-client relationship between the Cook Defendants, or
17 either of them, and any of the Cement Masons Southern California Trust Funds, is
18 terminated.

19 3) Defendant Melissa W. Cook, her agents, and any other person acting
20 with her or on her behalf are hereby permanently restrained and enjoined from
21 providing any services to any of the Cement Masons Southern California Trust
22 Funds, their successors, or their assigns.

23 4) Defendant Melissa W. Cook & Associates, P.C., its owners, its officers
24 and directors, its affiliates and subsidiaries, its employees and agents, its successors
25 and assigns, and any other person or entity acting with it or on its behalf are hereby
26 permanently restrained and enjoined from providing any services to any of the
27 Cement Masons Southern California Trust Funds, their successors, or their assigns.
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1 5) Within 14 days of the entry of this Final Judgment and Permanent
2 Injunction, Brain shall provide notice of the Final Judgment and Permanent
3 Injunction to all trustees, participants, and beneficiaries of the Cement Masons
4 Southern California Trust Funds.

5 6) Within 14 days of the entry of this Final Judgment and Permanent
6 Injunction, each of the Cook Defendants shall provide notice of this Final Judgment
7 and Permanent Injunction to all owners, officers, directors, affiliates, subsidiaries,
8 employees, and agents of Melissa W. Cook & Associates, P.C.

9 Defendants Scott Brain, Melissa W. Cook, and Melissa W. Cook &
10 Associates, P.C. appealed the Final Judgment and Permanent Injunction to the
11 United States Court of Appeal for the Ninth Circuit (the “Ninth Circuit”). On
12 February 22, 2019, the Ninth Circuit issued its Mandate as to the appeal. In its
13 Mandate, the Ninth Circuit vacated this Court’s entry of the permanent injunction
14 against Defendants Scott Brain, Melissa W. Cook, and Melissa W. Cook &
15 Associates, P.C.

16 Accordingly, IT IS ORDERED AND ADJUDGED that the permanent
17 injunction against Defendants Scott Brain, Melissa W. Cook, and Melissa W. Cook
18 & Associates, P.C. set out above is VACATED in its entirety.

19 The remainder of the Judgment issued on October 14, 2016, by this Court
20 remains in force. As such, IT IS FURTHER ORDERED AND ADJUDGED that,
21 within 30 days of the date of entry of this Judgment, the Cook Defendants shall
22 disgorge \$61,480.62 to the Southern California Cement Masons Trust Funds, which
23 is the amount of fees received as a result of work performed that was prohibited
24 conduct, and that post-judgment interest be paid thereon as provided by 28 U.S.C.
25 §1961;

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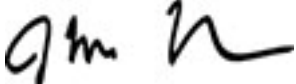
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IT IS FURTHER ORDERED that Plaintiff, Brain, Briceno, and the Cook Defendants shall bear his, her or its own costs.

IT IS SO ORDERED.

Dated: March 12, 2019



JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE