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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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GCIU-EMPLOYER RETIREMENT
FUND

) LEAD CASE NO. 2:16-cv-03391
) ODW-AFM

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Plaintiff,

) CONSOLIDATED CASE NO. 2:16-cv-
) 03418 ODW-AFM

9

v.

) **AMENDED JUDGMENT**

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QUAD/GRAPHICS, INC.,

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Defendant.

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On May 17, 2016, GCIU-Employer Retirement Fund (“the Fund”) filed this action against Quad/Graphics, Inc. (“Quad”). (ECF No. 1.) On May 18, 2016, Quad filed a separate action against the Fund. (Compl., *Quad Graphics, Inc. v. GCIU Employer Retirement Fund*, Case No. 2:16-cv-3418-ODW (AFM) (C.D. Cal. May 18, 2016), ECF No. 1.) The Court consolidated both actions, and designated this action as the lead case. (ECF No. 19.) On April 19, 2017, the Court entered an order affirming in part and vacating in part underlying the arbitration award. (ECF No. 40.) On May 1, 2017, Quad dismissed portions of its challenge to the arbitration award. (ECF No. 41.)

Based on the foregoing, it is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

(1) The Court vacates the Arbitrator’s decision that Quad’s Versailles facility withdrew from the Fund in 2011;

(2) The Court dismisses as moot the Fund’s challenge to the Arbitrator’s decision that the Fund may assess only a 2011 complete withdrawal;

1 (3) The Court affirms the Arbitrator’s decision that the Fund correctly applied
2 the partial withdrawal credit before the 20-year payment cap;

3 (4) The Court dismisses without prejudice Quad’s challenge to the Arbitrator’s
4 decision that it was not entitled to an award of attorneys’ fees and costs under 29
5 C.F.R. § 4221.10;

6 (5) The Court affirms the Arbitrator’s decision not to delay issuance of the final
7 arbitration award based on Quad’s “unclean hands”;

8 (6) The Court enforces the Fund’s February 1, 2013 Assessment as to the
9 Versailles partial withdrawal and the complete withdrawal and orders Quad to:

10 (a) make withdrawal liability payments to the ERF Fund on the 2010
11 Versailles partial withdrawal assessment in the monthly amount of \$321,151.22,
12 as specified in the February 1, 2013 Assessment; and

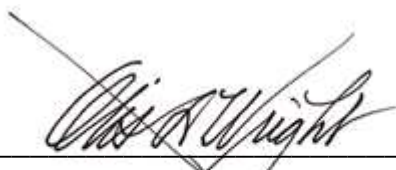
13 (b) make withdrawal liability payments to the Fund on the 2011 complete
14 withdrawal assessment in the monthly amount of \$351,501.80, as specified in
15 the February 1, 2013 Assessment; and

16 (7) The Court denies the Fund’s Rule 59(e) request for prejudgment interest for
17 the reasons stated in the Court’s July 31, 2017 order (ECF No. 66);

18 (8) The Court awards to the Fund post judgment interest on twelve withdrawal
19 liability payments missed during the pendency of this action (*i.e.*, between June 2016
20 and May 2017), which missed payments total \$3,853,814.64. Interest shall be awarded
21 on \$3,853,814.64, at the annual rate of 1.06% pursuant to 28 U.S.C. § 1961(a),
22 calculated from May 2, 2017 until paid. (ECF No. 66).

23 **IT IS SO ORDERED.**

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25 Dated: August 3, 2017

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28 **HON. OTIS D. WRIGHT, II**
UNITED STATES DISTRICT JUDGE