

JS-6

United States District Court
Central District of California

GCIU-EMPLOYER RETIREMENT
FUND,

Plaintiff,

v.

QUAD/GRAPHICS, INC.,

Defendant.

Case № 2:16-cv-03391-ODW (AFMx)
[Consol. w/ Case No. 2:16-cv-3418-
ODW (AFMx)]

JUDGMENT

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

1 **DECREE** as follows:

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

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

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

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

11 (4) The Court affirms the Arbitrator's decision not to delay issuance of the final
12 arbitration award based on Quad's "unclean hands"; and

13 (5) The Court enforces the Fund's February 1, 2013 Assessment as to the
14 Versailles partial withdrawal and the complete withdrawal and orders Quad to:

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

18 (b) make withdrawal liability payments to the Fund on the 2011 complete
19 withdrawal assessment in the monthly amount of \$351,501.80, as specified in
20 the February 1, 2013 Assessment.

21
22 **IT IS SO ORDERED.**

23
24 May 2, 2017

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