

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAURIE A. TRAKTMAN (SBN 165588)
email: lat@gslaw.org
GILBERT & SACKMAN
A Law Corporation
3699 Wilshire Boulevard, Suite 1200
Los Angeles, California 90010
Telephone: (323) 938-3000
Facsimile: (323) 937-3139

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET
METAL WORKERS PENSION PLAN OF
SOUTHERN CALIFORNIA, ARIZONA AND
NEVADA; THE BOARD OF TRUSTEES OF
THE SHEET METAL WORKERS HEALTH
PLAN OF SOUTHERN CALIFORNIA,
ARIZONA AND NEVADA; THE BOARD OF
TRUSTEES OF THE SHEET METAL
WORKERS LOCAL 88 SECTION 401(K)
PLAN; THE SHEET METAL WORKERS
LOCAL 88 RETIREE HEALTH PLAN; THE
SHEET METAL WORKERS LOCAL 88 JOINT
APPRENTICESHIP AND TRAINING FUND
INC; THE LOCAL 88 INDUSTRY
STABILIZATION PROGRAM; AND THE
SMACNA OF SOUTHERN NEVADA (AKA
SOUTHERN NEVADA AIR CONDITIONING
& SHEET METAL CONTRACTORS'
ASSOCIATION, INC.) TRADES PROGRAM
AND INTERNATIONAL ASSOCIATION OF
SHEET METAL AIR, RAIL AND
TRANSPORTATION WORKERS LOCAL
UNION NO. 88 DUES,

Plaintiffs,

v.

STRONG MAN SERVICES, INC. d/b/a S M S
MECHANICAL; JOHN FREDERICK

Case No. 2:16-cv-04495-SJO (SKx)

Hon. S. James Otero

~~[PROPOSED]~~ ORDER AND
JUDGMENT ON FOURTH
SUPPLEMENTAL STIPULATION
FOR JUDGMENT

1 CAPURRO; and JASON RUSSELL HALES,
2 individuals,
3
4 Defendants.

5 Pursuant to the Stipulation by and between Plaintiffs Board of Trustees of the
6 Sheet Metal Workers Pension Plan of Southern California, Arizona and Nevada (the
7 "Pension Plan"); the Board of Trustees of the Sheet Metal Workers Health Plan of
8 Southern California, Arizona and Nevada (the "Health Plan"); the Board of Trustees of the
9 Sheet Metal Workers Local 88 Section 401(k) Plan (the "401(k) Plan"); the Sheet Metal
10 Workers Local 88 Retiree Health Plan (the "Retiree Fund"); the Sheet Metal Workers
11 Local 88 Joint Apprenticeship and Training Fund Inc. (the "JATC"); the Local 88
12 Industry Stabilization Program (the "Industry Stabilization Program"); and the SMACNA
13 of Southern Nevada (aka Southern Nevada Air Conditioning & Sheet Metal Contractors'
14 Association, Inc.) Trades Program ("Industry Fund") and International Association of
15 Sheet Metal Air, Rail and Transportation Workers Local Union No. 88 Dues (the "Dues
16 Fund") (collectively the "Plans" or "Trust Funds"), and Defendants, JOHN
17 FREDERICK CAPURRO and JASON RUSSELL HALES (collectively "Individual
18 Defendants"); and STRONG MAN SERVICES, INC. d/b/a S M S MECHANICAL
19 ("Company"), the Court has considered the matter fully and concluded that good cause
20 exists to approve the parties' Stipulation in its entirety.

21 Accordingly, **IT IS HEREBY ORDERED, ADJUDGED AND**
22 **DECREEED** as follows:

23 1. That the Company and Individual Defendants agree that they are indebted
24 to the Plans in the total amount of \$303,419.66 as follows: contributions in the amount of
25 \$223,784.35 for the delinquent work months of July 2020 through September 2020;
26 \$44,756.87 in liquidated damages for late payment or nonpayment of contributions for
27 the work months of July 2020 through September 2020; \$22,378.44 in interest for late
28 payment or nonpayment of contributions for the work months of July 2020 through

1 September 2020; and attorney's fees in the amount of \$12,500.00.


2 2. Judgment is entered in favor of the Plans and against the Company and
3 Individual Defendants, jointly and severally, in the amount of \$303,419.66 for delinquent
4 employee benefit plan contributions, accrued liquidated damages, interest, attorney fees
5 and costs, together with post-judgment interest thereon at the rate of 12% per annum as of
6 the date of the Judgment.

7 3. This Order and Judgment on the Fourth Supplemental Stipulation for
8 Judgment does not supersede or replace the prior Stipulation for Judgment entered in this
9 case on June 28, 2016, the Order on Stipulation for Judgment entered on July 1, 2016, the
10 Supplemental Stipulation for Judgment entered in this case on August 28, 2017, the
11 Order on Supplemental Stipulation for Judgment entered September 19, 2017, the Second
12 Supplemental Stipulation for Judgment entered in this case on June 20, 2018, the Order
13 and Judgment on Second Supplemental Stipulation for Judgment entered July 6, 2018,
14 the Third Supplemental Stipulation for Judgment entered in this case on May 28, 2019,
15 nor the Order and Judgment on Third Stipulation for Judgment entered in this case on
16 June 5, 2020.

17 4. This Court retains jurisdiction over this matter through December 1, 2021 to
18 enforce the terms of any judgment entered hereunder, to order appropriate injunctive and
19 equitable relief, to make appropriate orders of contempt, and to increase the amount of
20 judgment based upon additional sums owed to the Plans by Defendants.

21
22 **IT IS SO ORDERED.**

23
24 Dated: _ 2021 _____



~~Hon. S. James Otero~~