

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

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)  
  
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 **DECREED** 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: June 2, 2021



25 PHILIP S. GUTIERREZ  
26 CHIEF UNITED STATES DISTRICT JUDGE  
27  
28