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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET METAL WORKERS' PENSION PLAN OF SOUTHERN CALIFORNIA, ARIZONA AND NEVADA; BOARD OF TRUSTEES OF THE SHEET METAL WORKERS' HEALTH PLAN OF SOUTHERN CALIFORNIA, ARIZONA AND NEVADA; BOARD OF TRUSTEES OF THE SOUTHERN CALIFORNIA SHEET METAL JOINT APPRENTICESHIP AND TRAINING COMMITTEE; BOARD OF TRUSTEES OF THE SHEET METAL WORKERS' LOCAL 105 RETIREE HEALTH PLAN; BOARD OF TRUSTEES OF THE SOUTHERN CALIFORNIA SHEET METAL WORKERS' 401(A) PLAN; SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION, LOCAL UNION NO. 105 UNION DUES CHECK-OFF AND DEFERRED SAVINGS FUND; BOARD OF TRUSTEES OF THE SOUTHERN CALIFORNIA LABOR MANAGEMENT COOPERATION TRUST; BOARD OF TRUSTEES OF THE SHEET METAL INDUSTRY FUND OF LOS ANGELES,

Plaintiffs,

v.

HENDERSON MECHANICAL SYSTEMS, INC.; JAMES PAUL LEE, III; individual,

Defendants.

Case No. 2:17-cv-00125-JAK-SS

**ORDER AND JUDGMENT ON SUPPLEMENTAL STIPULATION FOR JUDGMENT**

**JS-6**

1 Pursuant to the Stipulation by and between Plaintiffs Board of Trustees of the  
2 Sheet Metal Workers' Pension Plan of Southern California, Arizona and Nevada  
3 ("Pension Plan"); Board of Trustees of the Sheet Metal Workers' Health Plan of  
4 Southern California, Arizona and Nevada ("Health Plan"); Board of Trustees of the  
5 Southern California Sheet Metal Joint Apprenticeship and Training Committee  
6 ("JATC"); Board of Trustees of the Sheet Metal Workers' Local 105 Retiree Health Plan  
7 ("Retirees Plan"); Board of Trustees of the Southern California Sheet Metal Workers'  
8 401(a) Plan ("401(a) Plan"); Sheet Metal Workers' International Association, Local  
9 Union No. 105 Union Dues Check-Off and Deferred Savings Fund ("Dues and Savings  
10 Fund"); Board of Trustees of the Southern California Labor Management Cooperation  
11 Trust ("LMCT"); and Board of Trustees of the Sheet Metal Industry Fund of Los Angeles  
12 ("Industry Fund") (collectively the "Plans" or "Trust Funds"), and Defendant, JAMES  
13 PAUL LEE, III ("Individual Defendant"); and HENDERSON MECHANICAL  
14 SYSTEMS, INC. ("Company"), the Court has considered the matter fully and concluded  
15 that good cause exists to approve the parties' Stipulation in its entirety.

16 Accordingly, **IT IS HEREBY ORDERED, ADJUDGED AND**  
17 **DECREED** as follows:

18 1. That the Company and Individual Defendant are indebted to the Plans in  
19 the total amount of \$450,132.70 as follows: contributions in the amount of \$260,898.59  
20 for the delinquent and future work months of July 2016, November 2016, June 2017, July  
21 2017, August 2017, September 2017, October 2017, November 2017, December 2017,  
22 and January 2018; \$125,215.98 in liquidated damages for late payment or nonpayment of  
23 contributions for the work months of January 2012 through October 2012, December  
24 2012, February 2013 through October 2013, December 2013, January 2014 through  
25 March 2014, May 2014 through December 2014, January 2015 through August 2015,  
26 November through December 2015, and January 2016 through December 2016, January  
27 2017 through July 2017; \$51,518.13 in interest for late payment or nonpayment of  
28 contributions for the work months of January 2012 through October 2012, December

1 2012, February 2013 through October 2013, December 2013, January 2014 through  
2 March 2014, May 2014 through December 2014, January 2015 through August 2015,  
3 November through December 2015, and January 2016 through December 2016, January  
4 2017 through July 2017; and attorney's fees in the amount of \$12,500.00.

5 2. Judgment is entered in favor of the Plans and against the Company and  
6 Individual Defendant, jointly and severally, in the amount of \$450,132.70 for delinquent  
7 employee benefit plan contributions, audit contributions, accrued liquidated damages,  
8 interest, attorney fees and costs, together with post-judgment interest thereon at the rate  
9 of 12% per annum as of the date of the Judgment.

10 3. This Supplemental Stipulation for Judgment does not supersede or replace  
11 the prior Stipulation for Judgment entered in this case on January 30, 2017 nor the Order  
12 on Stipulation for Judgment entered on February 17, 2017. This Supplemental Stipulation  
13 for Judgment only applies to the work months of July 2016, November 2016, June 2017,  
14 July 2017, August 2017, September 2017, October 2017, November 2017, December  
15 2017, January 2018, after the initial Order on Stipulation for Judgment was entered.

16 4. The Trust Funds can offset any benefits to which the Individual Defendant  
17 may be entitled by the amount noted in paragraph 2 above, less any credits.

18 5. This Court has jurisdiction over this matter notwithstanding the prior order  
19 that limited the duration of such jurisdiction because the case remains pending and the  
20 parties have so agreed. Further, the Court retains jurisdiction over this matter through at  
21 least July 1, 2018 to enforce the terms of any judgment entered hereunder, to order  
22 appropriate injunctive and equitable relief, to make appropriate orders of contempt, and  
23 to increase the amount of judgment based upon additional sums owed to the Plans by  
24 Defendants.

25 **IT IS SO ORDERED.**

26  
27 Dated: October 4, 2017



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John A. Kronstadt  
United States District Judge