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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF IBEW LOCAL
UNION NO. 100 PENSION TRUST FUND,
et al.,

Plaintiffs,

v.

WILLIAM CHARLES PORGES dba
ACCELERATED ELECTRIC, et al.,

Defendants.

CASE NO. 1:11-cv-02048-LJO-SKO

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
PLAINTIFFS' REQUEST FOR ENTRY OF
DEFAULT AND MOTION FOR
DEFAULT JUDGMENT AGAINST THE
PORGES DEFENDANTS BE GRANTED**

(Docket No. 48)

On August 6, 2013, the Magistrate Judge issued Findings and Recommendations that Plaintiffs Board of Trustees of IBEW Local Union No. 100 Pension Trust Fund, et al. ("Plaintiffs") request for entry of default and a motion for default judgment against Defendants William Charles Porges DBA Accelerated Electric ("Porges") and Porges Enterprises, Inc. DBA Accelerated Electric Inc. ("Porges Enterprises," collectively "Porges Defendants") be GRANTED. (Doc. 48.) These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed within twenty-eight (28) days after service of the order. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the

1 Magistrate Judge's Findings and Recommendations are supported by the record and proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Findings and Recommendations issued August 6, 2013, are ADOPTED IN
5 FULL;
- 6 2. Default is ENTERED against Defendants William Charles Porges DBA
7 Accelerated Electric and Porges Enterprises, Inc. DBA Accelerated Electric Inc.;
- 8 3. Plaintiffs' motion for default judgment is GRANTED;
- 9 4. Judgment shall be entered in Plaintiffs' favor and against Defendants William
10 Charles Porges DBA Accelerated Electric and Porges Enterprises, Inc. DBA
11 Accelerated Electric Inc.;
- 12 5. Monetary judgment in the amount of \$14,857.94 is entered against the Defendants
13 William Charles Porges DBA Accelerated Electric and Porges Enterprises, Inc.
14 DBA Accelerated Electric Inc.as follows:

15	<u>Principal Fringe Benefit Contributions</u>	
16	June 2010	\$4,080.32
17	July 2010	\$3,181.77
18	August 2010	\$3,405.08
19		
20	Subtotal (Principal)	\$10,667.17
21		
22	Liquidated Damages	\$1,066.72
23	Interest Requested	\$3,124.06
24		
25	Total	\$14,857.94

- 26 6. Defendants William Charles Porges DBA Accelerated Electric and Porges
27 Enterprises, Inc. DBA Accelerated Electric Inc. are ORDERED to produce the
28 following records regarding their operations from June 2010 through the date final
judgment to Plaintiffs within twenty (20) calendar days after service of this
judgment, to allow Plaintiffs to conduct an accounting to determine whether
additional contributions are owed:

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- a. Personnel records of all employees, including, but not limited to, information concerning their job classifications and duties, and dates of hire and termination;
- b. Source records for employee hours and reported contributions, including, but not limited to, time cards, time card summaries and related reports;
- c. State quarterly DE-6 and federal W-2 forms for all employees;
- d. Payroll registers showing the hours and earnings for all employees;
- e. General ledgers, cash disbursement journals and vendor invoices;
- f. Lists of all subcontractors, independent contractors and labor suppliers retained by employers or otherwise working on employer projects;
- g. All reports and other documents submitted to the trust funds, and all backup documents thereto; and
- h. All related records necessary to determine compliance with the collective bargaining agreement, such as specific job cost records, check registers, workers' compensation reports, and project contracts/subcontracts; and

7. Plaintiffs shall submit a motion for costs and attorneys' fees as in accordance with Local Rules 292 and 293.

The Clerk of the Court is DIRECTED to serve a copy of this order on Defendants William Charles and Porges Enterprises, Inc. at Accelerated Electric, Inc., 855K South Main Street, #441, Fallbrook, CA 92028, via United States mail. This case shall not be administratively closed.

IT IS SO ORDERED.

Dated: September 9, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE