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12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION**

14 \* \* \*

15 BOARDS OF TRUSTEES OF THE  
ROOFERS LOCAL 27 HEALTH AND  
16 WELFARE TRUST FUND, NATIONAL  
ROOFING INDUSTRY PENSION PLAN,  
17 ROOFERS LOCAL 27, FRESNO ROOFING  
CONTRACTORS VACATION FUND, and  
18 ROOFERS LOCAL 27 APPRENTICESHIP  
TRAINING FUND,

19 Plaintiffs,

20 v.

21 FRYER ROOFING CO., INC., a California  
22 corporation; DAVID BRUCE FRYER;  
LEIGH ANN FRYER; INTERNATIONAL  
23 FIDELITY INSURANCE COMPANY; and  
DOES 1 through 50, inclusive,

24 Defendants.  
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Case No. 1:13-CV-01660-AWI-MJS

**STIPULATION AND ORDER FOR  
PLAINTIFFS TO FILE FIRST  
AMENDED COMPLAINT**

1 Plaintiffs Board of Trustees of the Roofers Local 27 Health and Welfare Trust Fund,  
2 National Roofing Industry Pension Plan, Roofers Local 27, Fresno Roofing Contractors Vacation  
3 Fund and Roofers Local 27 Apprenticeship Training Fund (collectively, "Plaintiffs") and  
4 defendants Fryer Roofing Co. Inc., David Bruce Fryer, Leigh Ann Fryer and International  
5 Fidelity Insurance Company (collectively, "Defendants") hereby stipulate to the following:

6 **STIPULATION**

- 7 1. The original Complaint on file herein seeks, among other things, delinquent fringe  
8 benefit contributions and related damages for the month of August 2013.
- 9 2. At the time the original Complaint was filed, the fringe benefit contributions for  
10 September 2013 and onward had not become due.
- 11 3. Plaintiffs contend that, at the present time, Fryer Roofing is likewise delinquent  
12 on its fringe benefit contributions for the months of September 2013, November  
13 2013, December 2013 and January 2014.
- 14 4. Frye Roofing has procured a Contractors License Bond (Old Republic Surety  
15 Company Bond No. W150173418) with an effective date of October 16, 2013,  
16 which Plaintiffs contend covers some of the additional delinquent contributions.
- 17 5. Without any admission of liability on the parts of Defendants herein, the Parties  
18 agree that Plaintiffs shall be permitted to file a First Amended Complaint to add:  
19 (i) the additional delinquent fringe benefit contributions identified above, and the  
20 damages related thereto (e.g. liquidated damages and interest); and (ii) Old  
21 Republic Surety Company as an additional defendant.

22 The Parties therefore respectfully request that the Court issue an Order pursuant to this  
23 Stipulation, with a deadline of Friday, February 28, 2014, for Plaintiffs to file a First Amended  
24 Complaint comprising the additional allegations above.

25 Dated: February 21, 2014. MOSS, TUCKER, CHIU, HEBESHA & WARD

26  
27 By /s/ Henry Y. Chiu  
HENRY Y. CHIU  
28 Attorney for Plaintiffs

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Dated: February 21, 2014.

MOTSCHIEDLER, MICHAELIDES & WISHON

By           /s/Justin D. Harris            
JUSTIN D. HARRIS  
Attorney for Defendants

**ORDER**

For the reasons recited by the Parties in the Stipulation above, the Court hereby grants Plaintiffs leave to file a First Amended Complaint comprising the additional allegations identified above, to be filed by Friday, February 28, 2014.

IT IS SO ORDERED.

Dated: February 21, 2014

          /s/ Michael J. Seng            
UNITED STATES MAGISTRATE JUDGE

8616.10-PLDG-Stip Amend 1