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

13 * * *

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

18 Plaintiffs,

19 v.

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

23 Defendants.

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

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

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26 Plaintiffs Board of Trustees of the Roofers Local 27 Health and Welfare Trust Fund,
27 National Roofing Industry Pension Plan, Roofers Local 27, Fresno Roofing Contractors Vacation
28 Fund and Roofers Local 27 Apprenticeship Training Fund (collectively, "Plaintiffs") and

TUCKER, CHIU,
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5260 N. PALM AVE., STE. 205
FRESNO, CA 93704

1 defendants Fryer Roofing Co. Inc., David Bruce Fryer, Leigh Ann Fryer, International Fidelity
2 Insurance Company and Old Republic Surety Company (collectively, "Defendants") hereby
3 stipulate to the following:

4 **STIPULATION**

5 1. The First Amended Complaint on file herein seeks, among other things,
6 delinquent fringe benefit contributions and related damages for the months of August 2013,
7 September 2013, November 2013, December 2013 and January 2014.

8 2. At the time the First Amended Complaint was filed, the fringe benefit
9 contributions for February 2014 and onward had not become due.

10 3. Plaintiffs contend that, at the present time, Fryer Roofing is likewise delinquent
11 on its fringe benefit contributions for the months of February 2014, March 2014 and April 2014.

12 4. Plaintiffs also wish to correct an omission, whereby the header of their Fourth
13 Claim for Relief (Claim Upon Contractor's License Bond) omits defendant Old Republic Surety
14 Company, although the body of the Claim expressly references that Defendant.

15 5. Without any admission of liability on the parts of Defendants herein, the Parties
16 agree that Plaintiffs shall be permitted to file a Second Amended Complaint, as described above.

17 The Parties therefore respectfully request that the Court issue an Order pursuant to this
18 Stipulation, for Plaintiffs to file a Second Amended Complaint comprising the additional
19 allegations above by July 31, 2014.

20 Dated: July 8, 2014.

TUCKER, CHIU, HEBESHA & WARD

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22 By /s/ Henry Y. Chiu

HENRY Y. CHIU

23 Attorney for Plaintiffs

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25 Dated: July 8, 2014.

MOTSCHIEDLER, MICHAELIDES & WISHON

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27 By /s/Justin D. Harris

JUSTIN D. HARRIS

28 Attorney for Defendants

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ORDER

For all of the reasons recited by the Parties in the Stipulation above, the Court hereby grants Plaintiffs leave to file a Second Amended Complaint, as described above, by July 31, 2014.

IT IS SO ORDERED.

Dated: July 18, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE