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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF CALIFORNIA

4 **BOARD OF TRUSTEES OF THE KERN**  
5 **COUNTY ELECTRICAL PENSION FUND,**  
6 **BOARD OF TRUSTEES OF THE KERN**  
7 **COUNTY ELECTRICAL WORKERS**  
8 **HEALTH & WELFARE TRUST, AND**  
9 **BOARD OF TRUSTEES OF THE KERN**  
10 **COUNTY ELECTRICAL JOURNEYMAN &**  
11 **APPRENTICESHIP TRAINING TRUST,**

12 **Plaintiffs,**

13 **v.**

14 **ATKINS SPECIALTY SERVICES, INC.**

15 **Defendant.**

Civil Case No.: 1:16-CV-01925-LJO-SKO

**MOTION FOR RELIEF FROM  
STIPULATED JUDGMENT AND  
REQUEST TO ENTER FINAL  
JUDGMENT (FRCP 60) AND  
PROPOSED ORDER THEREON**

16 Pursuant to Federal Rule of Civil Procedure Rule 60 which permits relief from a previous  
17 final order under certain circumstances including “any other reason that justifies relief” (FRCP  
18 60(b)(6)), both parties in this matter, Plaintiffs Board of Trustees of the Kern County Electrical  
19 Pension Fund, Board of Trustees of the Kern County Electrical Workers’ Health & Welfare  
20 Trust, and Board of Trustees of the Kern County Electrical Journeyman & Apprenticeship  
21 Training Trust (hereinafter “Plaintiffs”) and Defendant Atkins Specialty Services, Inc.  
22 (hereinafter “Defendant”) jointly move to have a previously entered Stipulated Judgment vacated  
23 and a Revised Final Judgment entered against Defendant Atkins Specialty Services, Inc  
24 (hereinafter “Defendant”), on the grounds that Defendant has failed to adhere to the terms of the  
25 earlier filed (July 24, 2017) Stipulated Judgment, whereby Defendant agreed to make monthly  
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1 payments to Plaintiffs. Both Parties wish to avoid the incurrence of further time at court and  
2 attorneys fees and have so agreed.

3 Per the terms of the Stipulated Judgment, a copy of which is attached hereto as Exhibit  
4 “A” and incorporated herein by reference, the Parties agreed that judgment would be entered in  
5 the sum of \$153,526.31 against Defendant representing unpaid fringe benefit contributions, for  
6 which Defendant would make monthly periodic payments plus interest until the judgment was  
7 paid off. So long as Defendant submitted timely payments to Plaintiffs as required by the  
8 Stipulated Judgment, Plaintiffs would not commence collection methods for the full amount of  
9 the Judgment. However, if the Defendant failed to make any payment in the time and manner  
10 specified, the total remaining sum of the judgment would become immediately due and payable.  
11 Upon such default, Plaintiffs is authorized to enter a Revised Final Judgment in their favor if the  
12 default continues after ten (10) days written notice to the defaulting party by regular mail for the  
13 amount due as demanded, less any sums paid on account, plus accrued interest in the amount of  
14 10% per annum.  
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18 Defendant has not made a payment to the Plaintiffs since February 2018. On March 15,  
19 2018, counsel for Plaintiffs sent the requisite 10-day Notice to Defendant. A true and accurate  
20 copy of that letter is attached hereto as Exhibit “B” and incorporated herein by reference. In  
21 response, Defendant submitted a letter to counsel stating that they were closing their business  
22 and “had no contracts or assets with which to move forward,” indicating that they do not intend  
23 to make further payments per the Stipulated Judgment. A true and accurate copy of Defendant’s  
24 letter is attached hereto as Exhibit “C” and incorporated herein by reference.  
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1 As this Court maintains jurisdiction over the subject matter of this action and over each  
2 of the parties to this Stipulated Judgment, and the Court retained jurisdiction for the purposes of  
3 implementing and enforcing this Stipulated Judgment, Plaintiffs hereby request that a Revised  
4 Final Judgment be entered in their favor in the sum of \$136,361.12.  
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6 DATED: 6/15/2018

Plaintiffs Board of Trustees of the Kern County  
Electrical Pension Fund et al.

7  
8 */s/Tiffany Lena*

9 \_\_\_\_\_  
Tiffany Lena, on behalf of  
10 Plaintiffs

11 DATED: 10/7/2018

Defendant Atkins Specialty Services, Inc.

12  
13 */s/Jeff Atkins*

14 \_\_\_\_\_  
Jeff Atkins, on behalf of Defendant

15 **ORDER**

16 Pursuant to the above stipulation, the Clerk of Court is directed to enter a Revised Final  
17 Judgment in favor of Plaintiffs and against Defendant in the sum of \$136,361.12.  
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20 IT IS SO ORDERED.

21 Dated: **October 29, 2018**

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