

1 BLYTHE MICKELSON, Bar No. 095506
MATTHEW J. GAUGER, Bar No. 139785
2 EZEKIEL D. CARDER, Bar No. 206537
WEINBERG, ROGER & ROSENFELD
3 A Professional Corporation
428 J Street, Suite 520
4 Sacramento, California 95814
Tel: (916) 443-6600
5 Fax: (916) 442-0244
E-Mail: bmickelson@unioncounsel.net
6 mgauger@unioncounsel.net
ecarder@unioncounsel.net

7 Attorneys for Defendants
8 CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES
CONFERENCE BOARD; CARPENTERS LOCAL UNION 46

9
10 CHAD S. TAPP, Bar No. 214898
MATTHEW R. DAY, Bar No. 250945
11 PORTER SCOTT
A Professional Corporation
12 350 University Avenue, Suite 200
Sacramento, California 95825
13 Tel: (916) 929-1481
Fax: (916) 927-3706
14 E-Mail: ctapp@porterscott.com
mday@porterscott.com

15 Attorneys for Plaintiff
16 REDFOX INDUSTRIES, INC.

17
18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

20
21 REDFOX INDUSTRIES, INC.,

22 Plaintiff,

23 v.

24 CARPENTERS 46 NORTHERN
25 CALIFORNIA COUNTIES CONFERENCE
BOARD; CARPENTERS LOCAL UNION 46
26 and Does 1 through 10,

27 Defendants

No. 2:13-cv-02176-TLN-KJN

**SETTLEMENT AGREEMENT AND
ORDER**

Date: March 9, 2015
Time: 9:00 a.m.
Ctrm: 25
Judge: Hon. Kendall J. Newman

1 The Parties, Plaintiff, RedFox Industries Inc. (herein “RedFox”) and Defendants,
2 Carpenters 46 Counties Conference Board and Carpenters Local Union 46 and an interested
3 third party, Miller Paneling Specialties, Inc. (herein “Miller Paneling”) enter this agreement to
4 resolve their dispute concerning Arbitrator Hirsch’s April 15, 2013 award against Miller
5 Paneling.

6 1. Miller Paneling and RedFox will pay pension, annuity and vacation
7 contributions for the Miller Paneling grievants employed by Miller Paneling for all hours of
8 work they performed for RedFox in the 46 Northern California Counties after January 1, 2011.
9 This includes only Ida Garza, Salvador Garza, Mike Neal and Daniel Estrada.

10 2. Miller Paneling and RedFox will pay back pay differential for any of the Miller
11 Paneling grievants (Ida Garza, Salvador Garza, Mike Neal and Daniel Estrada) who performed
12 work for RedFox in the 46 Northern California Counties from February 16, 2013 to the present.

13 3. To determine these amounts, Miller Paneling and RedFox will submit to the audit
14 in the April 15, 2013 award that is the subject of this dispute but only as to the four Miller
15 Paneling grievants (Ida Garza, Salvador Garza, Mike Neal and Daniel Estrada).

16 4. If any person comes forward with evidence that they performed work covered by
17 the Carpenters Master Labor Agreement for Northern California while employed with RedFox
18 prior to the date of execution of this agreement, and did not receive the proper wages and fringe
19 benefits for those hours worked, Miller Paneling and RedFox shall indemnify Carpenters 46
20 Counties Conference Board, Carpenters Local 46, any other affiliated local unions and the Benefit
21 Funds in the Carpenters’ Master Agreement for Northern California for any claim that any person
22 makes against them for back pay and fringe benefits for time worked for RedFox during the
23 period of January 1, 2011 to present.

24 5. Carpenters 46 Counties Conference Board, Carpenters Local 46 and their affiliates
25 waive any petition to confirm the arbitration award that is the subject of this dispute provided
26 RedFox and Miller Paneling comply with the terms of this Settlement Agreement and Order.
27 Carpenters 46 Counties Conference Board and Carpenters Local 46 agree not to seek to induce
28 any other Miller Paneling employee to bring a claim regarding employment with RedFox. The

1 parties agree that any dispute over the interpretation or application of the provisions of this
2 Settlement shall be resolved by the court through noticed motion.

3 6. Miller Paneling joins in this Settlement Agreement.

4 7. Upon compliance with this Agreement, the Grievances are resolved with no
5 admission of liability. Each party is to bear its own costs and attorney fees. Miller Paneling and
6 RedFox will remit the payment sum to the Carpenters 46 Counties Conference Board who will
7 pay the appropriate amounts to the benefit funds and the grievants in accordance with this
8 Agreement. RedFox will dismiss the instant case against the Carpenters 46 Counties Conference
9 Board and Carpenters Local 46 within 10 days of Carpenters 46 Counties Conference Board
10 confirming payment in full.

11 8. The Parties request the Court to vacate all docket and calendar entries pending
12 compliance with this settlement agreement. In the event that the case is not dismissed by June 30,
13 2015, the Parties request the Court to order the parties to file a joint status report as to the status
14 of compliance with this Agreement on that date.

15 Dated: March , 2015

PORTER SCOTT

16
17 By: Chad S. Tapp
Matthew R. Day
18 Attorneys for Plaintiff REDFOX INDUSTRIES,
INC.

19
20 Dated: March , 2015

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

21
22 By: Matthew J. Gauger
Attorneys for Defendants CARPENTERS 46
23 NORTHERN CALIFORNIA COUNTIES
CONFERENCE BOARD; CARPENTERS
24 LOCAL UNION 46

25
26 Dated: March , 2015

COOK BROWN LLP

27 By: Ronald W. Brown
Attorneys for MILLER PANELING
28 SPECIALTIES, INC.


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ORDER

Good cause appearing therefore,

IT IS SO ORDERED. All dates are vacated except as noted above.

Dated: March 23, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE
