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6 Attorneys for Plaintiffs,  
 7 GIL CROSTHWAITE, et al.

8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 GIL CROSTHWAITE, et al.,  
 11 Plaintiffs,

Case No.: C06-07608 JSW

12 v.

**AMENDMENT TO AMENDED  
 JUDGMENT PURSUANT TO  
 STIPULATION**

13 SHADE CONSTRUCTION &  
 14 ENGINEERING, INC., a California  
 Corporation, and SCOTT SHADE, as an  
 15 individual,  
 16 Defendants.

17 The Amended Judgment Pursuant to Stipulation entered on September 22, 2008  
 18 (“Amended Judgment”) is hereby amended as set forth below. In all other respects, the Amended  
 19 Judgment remains *unchanged*.

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1 **Paragraphs 2 and 3:**

2 Since entry of the Amended Judgment, the parties acknowledge and agree that Defendants  
3 owe the following sums to Plaintiffs:

	<b>Work Months</b>	<b>Amount</b>
4 <b>Contributions</b>	1/09	\$4,146.45
5		
6 <b>Interest at 12%</b> 7 <b>(through 4/8/09)</b>	2/07 – 1/09	\$21,467.22
8 <b>Liquidated Damages</b>	2/07 – 1/09	\$25,393.28
9 <b>Attorneys' Fees</b> 10 <b>(through 4/2/09)</b>		\$16,946.00
11 <b>Costs</b> 12 <b>(through 4/2/09)</b>		\$1,263.73
13 <b>TOTAL</b>		<hr/> <b>\$69,216.68</b> plus interest

14 **Paragraph 5:**

15 Defendant shall pay the sum of **\$43,823.40** (the total above less liquidated damages of  
16 \$25,393.28) **conditioned** upon the timely compliance by Defendants with *all* of the terms of the  
17 Amended Judgment and the following:

- 18
- 19 (a) Before April 15, 2009, Defendants shall make an initial payment of \$4,165.45;
- 20 (b) Thereafter, Defendants shall make monthly stipulated payments of **\$4,000.00**, to be  
21 *received* by Saltzman & Johnson Law Corporation on or before the 15<sup>th</sup> of each month beginning  
22 with May 15, 2009, and continuing through April 15, 2010. Defendant shall have the right to  
23 increase said monthly payments at any time without penalty.
- 24 (c) Simultaneously with the submission of each monthly stipulated payment specified  
25 herein, Defendants shall submit a list of all jobs, including respective address, general contractor,  
26 and owner, where the employees of Defendants are performing work or anticipate performing  
27 work. Certified payroll must also be submitted for all public works.  
28

1 (d) Beginning with contributions due for hours worked by Defendants' employees  
2 during the month of March 2009, due on April 15, 2009, and delinquent if not received by April  
3 25, 2009, and for every month thereafter until the Amended Judgment as amended herein is  
4 satisfied, Defendants shall remain current in contributions due to Plaintiffs under the terms of the  
5 applicable Collective Bargaining Agreement by timely submitting monthly reports and  
6 contributions to the Trust Funds.  
7

8 (e) Failure by Defendants to remain current in monthly stipulated payments and  
9 monthly contributions as specified in this paragraph shall constitute a default of the obligations  
10 under the Amended Judgment as amended herein. In the event of such a default, the entire  
11 balance of **\$69,216.68**, reduced by principal payments received by Plaintiffs, but increased by any  
12 unpaid contributions then due, plus 15% liquidated damages and 12% per annum interest thereon  
13 as provided herein shall be immediately due, together with any additional attorneys' fees and costs  
14 incurred by Plaintiffs in connection with the collection of all amounts owed by Defendants.  
15

16 Dated: April 8, 2009 Shade Construction & Engineering, Inc.

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18 \_\_\_\_\_/S/\_\_\_\_\_  
Scott Shade, President

19 Dated: April 8, 2009 Scott Shade, Individually

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21 \_\_\_\_\_/S/\_\_\_\_\_  
22 Scott Shade

23 Dated: April 9, 2009 Operating Engineers Trust Funds

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25 \_\_\_\_\_/S/\_\_\_\_\_  
26 Wayne McBride

27 IT IS SO ORDERED.

28 Dated: April 13, 2009

  
UNITED STATES MAGISTRATE JUDGE