

1 DAVIS, COWELL & BOWE, LLP  
 John J. Davis, Jr., SBN 065594  
 2 jjdavis@dcbsf.com  
 Eric J. Wiesner, Esq., SBN pending  
 3 ejw@dcbsf.com  
 595 Market Street, Suite 1400  
 4 San Francisco, California 94105  
 Tel: (415) 597-7200 Fax: (415) 597-7201  
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6 Attorneys for Petitioner  
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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11 PLUMBERS AND STEAMFITTERS LOCAL )  
 UNION NO. 159 OF THE UNITED )  
 12 ASSOCIATION OF JOURNEYMEN AND )  
 APPRENTICES OF THE PLUMBER AND PIPE )  
 13 FITTING INDUSTRY OF THE UNITED )  
 STATES AND CANADA, )  
 14 AFL-CIO CLC, )  
 15 )  
 Petitioner, )  
 16 )  
 v. )  
 17 STUART ROOS d/b/a DRP PLUMBING, DOES )  
 18 1 through 20, inclusive, )  
 19 Respondent. )

Case No.: CV 09-0419 SI

**CONSENT DECREE  
 CONFIRMING AND ENFORCING  
 ARBITRATION AWARD**

[29 U.S.C. § 185]

22 **STIPULATION FOR ENTRY OF CONSENT DECREE**

23 This action was brought to confirm and enforce an arbitration award issued under the  
 24 grievance procedure of a collective bargaining agreement. The award imposes liability on  
 25 respondent Stuart Roos, doing business as DRP Plumbing, for failing to comply with his  
 26 obligations under the Master Labor Agreement to which he is a party signatory with petitioner  
 27 Plumbers and Steamfitters Local Union No. 159.

28 The parties have agreed to settle the claim asserted herein through the entry of a consent

1 decree. The parties agree that the Court has jurisdiction of the subject matter of this action and  
2 the parties to it, and that it be

3 ORDERED, ADJUDGED and DECREED that:

4 1. The Joint Conference Board award of May 30, 2008 be, and on the Court's  
5 approval is hereby confirmed and enforced. A true and correct copy of the award is attached  
6 hereto as Exhibit 1.

7 2. Respondent will pay petitioner the \$18,000 awarded by the Joint Conference  
8 Board in equal monthly payments of \$2,000. Payments will be due by means of negotiable  
9 instruments delivered each month to Local 159 no later than the 20<sup>th</sup> day of each month,  
10 beginning on April 20, 2009.

11 3. If respondent receives any payment for work performed on his Pittsburg school  
12 project, no less than fifty percent of each such payment will be made towards retiring the  
13 obligations of this Consent Decree.

14 4. The \$18,000 owed under this Consent Decree will bear simple interest at the rate  
15 of 8% per annum.

16 5. In the future, if respondent performs work covered by petitioner's Master Labor  
17 Agreement in Contra Costa County, he will comply in all respects with that agreement.

18 6. Upon approval by the Court, the Clerk shall enter this Consent Decree as the  
19 judgment herein.

20 7. The parties shall bear their own attorneys fees and costs of suit incurred herein.

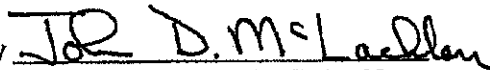
21  
22 Dated: April 2, 2009



STUART ROOS

23  
24  
25 Dated: April 2, 2009

FISHER AND PHILLIPS LLP

26 by   
27 JOHN D. McLACHLAN  
28 Attorneys for Respondents


1 Dated: April 2, 2009

PLUMBERS AND STEAMFITTERS  
LOCAL UNION NO. 159

2  
3 by   
4 ARAM HODESS  
5 Business Manager

6 Dated: April 2, 2009

DAVIS, COWELL & BOWE, LLP

7  
8 by   
9 JOHN J. DAVIS, JR.  
Attorneys for Petitioners

10  
11 **ORDER OF APPROVAL**

12 The foregoing stipulation is approved. The Clerk is directed to enter this Consent Decree  
13 as the judgment of the Court.

14 It is so ordered.

15 Dated: April 6, 2009

16   
17 SUSAN ILLSTON  
18 United States District Judge  
19  
20  
21  
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25  
26  
27  
28

**EXHIBIT 1**

May 30, 2008

Aram Hodess  
UA Local 159  
1308 Roman Way  
Martinez CA 94553

Stuart Roos  
DRP Plumbing  
2925 Crocker Ave  
Redwood City CA 94063

Gentlemen:

The Joint Conference of United Association Local Union 159 and the Greater Bay Area-PHCC met on Thursday, May 29<sup>th</sup> 2008, in the Local 159 Conference Room to hear a Grievance against DRP Plumbing.

Upon hearing the testimony and receiving the evidence the Board went into Executive Session and found as follows:

- 1) The five U.A. Local 159 Members listed on the certified payroll for Range Road Middle School shall be paid \$1300.00 each as a payroll check.
- 2) U.A. Local 159 Steward Daren Ochoa shall be paid \$10,000 as a payroll check.
- 3) DRP Plumbing shall pay \$1500.00 to U.A. Local 159 for proper disbursement to the journey person on the out of work list for the Fabrication violation.

All of the above checks shall be sent to the Business Manager Aram Hodess for distribution prior to 5:00 PM on Monday, June 30<sup>th</sup>, 2008.

This concludes this matter.

Sincerely,

  
Michael Smith  
Secretary

Exhibit 1

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Stuart Roos**  
**DRP PLUMBING**  
 2925 Crocker Ave  
 Redwood City, CA 94063

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 X *[Signature]*

B. Registered (Printed Name)  Date of Delivery  
*S. J. [Signature]*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

70114 1350 0005 0236 9746

Stuart Roos  
 DRP PLUMBING  
 2925 Crocker Avenue  
 Redwood City, CA 94063



7004 1350 0005 0236 9746

PLUMBING-  
 ASSOCIATION



7004 1350 0005 0236 9746

STUART ROOS  
 DRP PLUMBING

6/2/08

STUART ROOS  
 DRP PLUMBING

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on April 2, 2009, the foregoing  
3 **CONSENT DECREE CONFIRMING AND ENFORCING ARBITRATION**  
4 **AWARD**, has been filed through the ECF system and I am informed that it will be  
5 sent electronically to the following registered participants as identified on the  
6 Court's Notice of Electronic Filing. The foregoing will be sent via first class mail  
7 to the attorneys of record who are not indicated as participants.

8  
9  
10  All parties are registered participants as identified on the Court's  
11 Notice of Electronic Filing.

12  
13  
14 **Via First Class Mail:**

15  
16  
17 Dated: April 2, 2009

/s/ John J. Davis, Jr.,  
18 JOHN J. DAVIS, JR.,