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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al.,
Plaintiffs,
v.
STATEWIDE CONCRETE PUMPING, INC.,
Defendants

No. C-09-0574 MMC

ORDER GRANTING IN PART AND DENYING IN PART WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT; VACATING HEARING

Before the Court is plaintiffs' Motion for Default Judgment, filed May 22, 2009. Defendants have not filed a response. Having read and considered the papers filed in support of the motion, the Court deems the matter suitable for decision thereon, VACATES the hearing scheduled for June 26, 2009, and rules as follows.

1. To the extent plaintiffs seek an order compelling defendants to submit to an audit of their records for the period October 1, 2006 through the date of the audit (see Compl., prayer ¶ 1), the motion is hereby GRANTED. Specifically, defendants are hereby ORDERED to submit to an audit within thirty (30) days of the date of this order.

2. To the extent plaintiffs seek an order directing defendants to pay all amounts found by plaintiffs to be due on audit, the motion is hereby DENIED as premature and without prejudice to plaintiffs' filing an action to recover any amounts claimed to be due under the terms of the parties' Bargaining Agreement (see Compl. ¶ 11), if there exists at

1 that time a case or controversy with respect to a failure to pay.

2 3. To the extent plaintiffs seek an order awarding attorneys' fees in the amount of
3 \$3673 and costs in the amount of \$502.21, for a total sum of \$4175.21, the Court finds the
4 hourly rates sought and the number of hours expended reasonable and hereby GRANTS
5 the motion.

6 The Clerk is directed to enter judgment in favor of plaintiffs and against defendants,
7 in conformity with the above findings.

8 **IT IS SO ORDERED.**

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10 Dated: June 11, 2009

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MAXINE M. CHESNEY
United States District Judge