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2 IN THE UNITED STATES DISTRICT COURT
3
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 BOARD OF TRUSTEES OF THE LABORERS
6 HEALTH AND WELFARE TRUST FUND
7 FOR NORTHERN CALIFORNIA, et al.,

No. CV-09-0591 MMC

JUDGMENT IN A CIVIL CASE

8 Plaintiffs,

9 v.

10 SHADE CONSTRUCTION & ENGINEERING,
11 INC., et al.,

12 Defendants.
13 _____/

14 () **Jury Verdict.** This action came before the Court for a trial by jury. The issues
15 have been tried and the jury has rendered its verdict.

16 (X) **Decision by Court.** This action came to trial or hearing before the Court. The
17 issues have been tried or heard and a decision has been rendered.

18 **IT IS SO ORDERED AND ADJUDGED**

19 1. To the extent plaintiffs seek a monetary award against defendant Shade
20 Construction & Engineering, Inc., the motion is hereby GRANTED, and plaintiffs are
21 awarded the total sum of \$256,075.72 against said defendant, such sum reflecting the
22 below-listed allocations.

23 a. Pursuant to 29 U.S.C. § 1132(g)(2)(A), plaintiffs are awarded damages
24 for unpaid contributions in the amount of \$168,639.80.

25 b. Pursuant to 29 U.S.C. § 1132(g)(2)(B), plaintiffs are awarded interest in
26 the amount of \$23,282.56.

27 c. Pursuant to 29 U.S.C. § 1132(g)(2)(C), plaintiffs are awarded interest in
28 the amount of \$23,282.56.

1 d. Pursuant to the parties' contract, plaintiffs are awarded liquidated
2 damages and interest for late-paid contributions in the amount of \$35,781.20.

3 e. Pursuant to 29 U.S.C. § 1132(g)(2)(D), plaintiffs are awarded attorney's
4 fees and costs in the amount of \$5098.70.

5 2. To the extent plaintiffs seek to hold defendant Scott Michael Shade personally
6 liable for the above-referenced sums, the motion is hereby GRANTED in part and
7 DENIED in part, and plaintiffs are awarded the total sum of \$232,793.16 against said
8 defendant, such sum reflecting the below-listed findings.

9 a. With respect to the sums set forth in paragraphs 1(a), 1(b), 1(d), and 1(e)
10 above, the motion is GRANTED, and, pursuant to 29 U.S.C. § 1109(a), plaintiffs are
11 awarded such sums against Shade.

12 b. With respect to the sum set forth in paragraph 1(c) above, the motion is
13 DENIED.

14 3. To the extent plaintiffs seek an award of post-judgment interest at the rate of
15 1.5% per month on the sums awarded herein, the motion is GRANTED in part and
16 DENIED in part, as follows.

17 a. With respect to the sum set forth in paragraph 1(a), the motion is
18 GRANTED, and such sum shall bear interest at the rate of 1.5% per month until paid in
19 full.

20 b. With respect to all other sums set forth above, the motion is DENIED.

21
22 Dated: August 18, 2009

Richard W. Wieking, Clerk

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25 By: Tracy Lucero
26 Deputy Clerk
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