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10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 F. G. CROSTHWAITE, et al., as Trustees of
 the OPERATING ENGINEERS’ HEALTH
 13 AND WELFARE TRUST FUND, et al.,

Case No.: C09-3103 JSW

**SECOND AMENDED JUDGMENT
PURSUANT TO STIPULATION**

14 Plaintiffs,

15 v.

16 CONSTRUCTION MATERIALS TESTING,
 INC., a California Corporation,

17 Defendant.

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20 IT IS HEREBY STIPULATED by and between the parties hereto, that this Second
 21 Amended Judgment Pursuant to Stipulation shall be entered in the within action in favor of the
 22 Plaintiff OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND, et al.
 23 (collectively “Plaintiffs” or “Trust Funds”) and against Defendant CONSTRUCTION
 24 MATERIALS TESTING, INC., a California Corporation, or successor entities, (“Defendant”), as
 25 follows:

26 1. All provisions of the Amended Judgment Pursuant to Stipulation, entered by the
 27 Court on January 27, 2010, shall remain in full force and effect, except as follows. During the
 28 period October 2010 through December 2011, Paragraph 5(a) is hereby amended to provide:

1 a. On the 25th day of the four months from October 2010 through January
2 2011, Defendant shall pay to Plaintiffs the amount of **\$5,000.00** each month.

3 b. On the 25th day of the ten months from February 2011 through November
4 2011, Defendant shall pay to Plaintiffs the amount of **\$10,000.00** each month.

5 c. On the 25th day of December 2011, Defendant shall pay to Plaintiffs the
6 amount of **\$45,000.00**.

7 2. Beginning on January 25, 2012 and continuing thereafter until all amounts due
8 under the Amended Judgment Pursuant to Stipulation are paid in full, Defendant shall make
9 payments as originally stipulated in Paragraph 5(a) of the Amended Judgment Pursuant to
10 Stipulation.

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1 3. All other terms and provisions of the Amended Judgment Pursuant to Stipulation
2 shall continue to remain in full force and effect.

3 Dated: November 2, 2010

**CONSTRUCTION MATERIALS
TESTING, INC.**

4 By: /S/Donald Rose
5 Donald Rose, Owner/President

6 Dated: November 2, 2010

DONALD ROSE

7 /S/Donald Rose
8 Individually, as Personal Guarantor

9 Dated: November 2, 2010

APPROVED AS TO FORM:

10 /S/ Ronald B. Bass
11 **RONALD B. BASS, Esq.**
Attorney for Construction Materials Testing,
Inc. and Donald Rose, individually

12 Dated: November 4, 2010

**OPERATING ENGINEERS TRUST
FUNDS**

13 By.: /S/David Hayner
14 David Hayner, Collections Manager

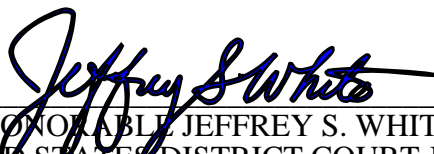
15 Dated: November 3, 2010

**SALTZMAN AND JOHNSON LAW
CORPORATION**

16 By: /S/Muriel B. Kaplan
17 Muriel B. Kaplan
18 Attorneys for Plaintiffs

19 IT IS SO ORDERED

20 Dated: November 8, 2010

21 
22 THE HONORABLE JEFFREY S. WHITE
23 UNITED STATES DISTRICT COURT JUDGE

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