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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
11 TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
12 THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
13 CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
14 FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
15 LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
16 CALIFORNIA,

17 Plaintiffs,

18 v.

19 ELADIO PEREZ dba E & F DEMOLITION,

20 Defendant.

Case No.: CV 10 2002 JSW (JCS)

~~AMENDED JUDGMENT~~
**ORDER GRANTING MOTION TO
CORRECT DEFAULT JUDGMENT AND
AMENDED JUDGMENT**

21 **Order Granting Motion to**
22 **Correct and** **AMENDED JUDGMENT**

23 ~~The Court, adopting as modified, Magistrate Judge Spero's Report and Recommendation~~
24 ~~and granting in part and denying in part Plaintiffs' motion for default judgment, and pursuant to~~
25 ~~Plaintiffs' Motion to Correct the Judgment arising from oversight or omission, the Judgment~~
26 ~~entered by this Court on December 12, 2011 is hereby amended as follows:~~

27 ///The Court has read and considered Plaintiffs' motion to correct default judgment. Defendants
28 have not opposed the motion, although the time for filing an opposition has passed. The Court
finds good cause to grant the motion. Accordingly, the motion is GRANTED, and the Judgment
is HEREBY AMENDED to provide as follows:

1 This Court grants Judgment in favor of Plaintiffs and against defendant Eladio Perez in
2 the amount of \$114,614.91, broken down as follows:

- 3 1. the unpaid balance of employee fringe benefit contributions reported but not paid
- 4 for the period of July and August 2010 in the principal amount of \$25,414.64;
- 5 2. contributions not reported, and not paid, for the period of January – August and
- 6 November 2008 in the amount of \$513.70;
- 7 3. the unpaid principal balance of contributions not reported and not paid based on a
- 8 audit for the period December 2005 –December 2007 in the amount of \$5,514.52;
- 9 4. interest and liquidated damages for all delinquent principal contributions for a
- 10 total of \$13,929.76 under § 1132(g)(2)(B) and (C);
- 11 5. liquidated damages and interest accruing on contributions paid, but paid late in
- 12 the amount of \$62,581.28; and
- 13 6. attorneys’ fees and costs in the amount of \$6,661.01.

14 This Court further grants the following relief to Plaintiffs: (7) a mandatory injunction
15 requiring the Defendant Eladio Perez to submit to an audit of its financial records by the Boards
16 of Trustees for the period January 2008 to the present; and finally, (8) this Court shall retain
17 jurisdiction of the parties and subject matter to enforce the mandatory injunction and to entertain
18 a motion for a further money judgment, should the audit disclose amounts that may be owed by

19 Defendant to the Trust Funds The Court reserves the right to refer any such motion to Magistrate Judge
Spero for purposes of preparing a further report and recommendation.

20 **IT IS SO ORDERED.**

21 Dated: June 5 _____, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE