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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN
CALIFORNIA HEALTH AND WELFARE
11 TRUST FUND, et al.,

Case No.: C10-3515 SI

12 Plaintiffs,

~~[PROPOSED]~~ JUDGMENT

13 v.

14 VANDERHAVE FLOORING, a California
partnership; RALPH LEE VANDERHAVE,
15 partner; and CHRISTIAN LEE
VANDERHAVE, partner,

16 Defendants.

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19 Defendants VANDERHAVE FLOORING, RALPH LEE VANDERHAVE, and
20 CHRISTIAN LEE VANDERHAVE, having failed to plead or otherwise defend in this action and
21 its default having been entered.

22 Now, upon application of the Plaintiffs and upon declaration that Defendants have failed to
23 provide contribution reports for the months of September 2009, and April 2010 through December
24 2010; that Defendants have been defaulted for failure to appear; that \$22,657.42 has been found
25 due for January 2009 through April 2009, September 2009, and April 2010 through January 2011
26 contributions, liquidated damages and interest, including liquidated damages incurred for the
27 months of September 2008 through December 2008; and that attorneys fees of \$6,260.50, and
28 costs of \$618.00, have been reasonably incurred; that Defendant VANDERHAVE FLOORING is

1 a Partnership and therefore not an infant, incompetent person, or in the military service of the
 2 United States or otherwise exempted under the Servicemembers Civil Relief Act, and that RALPH
 3 LEE VANDERHAVE and CHRISTIAN LEE VANDERHAVE are not infants, incompetent
 4 persons, or in the military service of the United States or otherwise exempted under the
 5 Servicemembers Civil Relief Act;

6 It is hereby ORDERED, ADJUDGED AND DECREED that Defendants VANDERHAVE
 7 FLOORING, RALPH LEE VANDERHAVE, and CHRISTIAN LEE VANDERHAVE shall
 8 promptly pay to Plaintiffs all sums due and owing under the terms of the Collective Bargaining
 9 Agreement and Trust Agreements as amended and incorporated therein, as follows:

<i>OWNER/MEMBER ACCOUNT NO.: 000000-622-001</i>			
10	January 2009	Contributions	\$2,115.43
11		20% Liquidated Damages	\$423.09
12		5% Interest (through 3/10/11)	\$213.86
			\$2,752.38
13	February 2009	Contributions	\$2,115.43
14		20% Liquidated Damages	\$423.09
15		5% Interest (through 3/10/11)	\$205.46
			\$2,743.98
16	March 2009	Contribution Balance	\$460.00
17		20% Liquidated Damages	\$92.00
18		5% Interest (through 3/10/11)	\$42.79
			\$594.79
19	April 2009	Contributions	\$1,195.43
20		20% Liquidated Damages	\$239.09
21		5% Interest (through 3/10/11)	\$106.11
			\$1,540.63
22	September 2009	Contributions (est.)	\$1,105.60
23		20% Liquidated Damages (est.)	\$221.12
24		5% Interest (through 3/10/11) (est.)	\$74.97
			\$1,401.69
25	April 2010	Contributions (est.)	\$1,105.60
26		20% Liquidated Damages (est.)	\$221.12
27		5% Interest (through 3/10/11) (est.)	\$42.86
			\$1,369.58
28	May 2010	Contributions (est.)	\$1,105.60
		20% Liquidated Damages (est.)	\$221.12
		5% Interest (through 3/10/11) (est.)	\$38.32
			\$1,365.04
	June 2010	Contributions (est.)	\$1,105.60
		20% Liquidated Damages (est.)	\$221.12

	5% Interest (through 3/10/11) (est.)	\$33.62	
			\$1,360.34
July 2010	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$28.93	
			\$1,355.65
August 2010	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$24.38	
			\$1,351.10
September 2010	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$19.69	
			\$1,346.41
October 2010	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$15.15	
			\$1,341.87
November 2010	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$10.45	
			\$1,337.17
December 2010	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$5.76	
			\$1,332.48
January 2011	Contributions (est.)	\$1,105.60	
	20% Liquidated Damages (est.)	\$221.12	
	5% Interest (through 3/10/11) (est.)	\$1.51	
			\$1,328.23
	10% Liquidated Damages on Previous Late-Paid Contributions (9/08 – 12/08)		\$136.08
		SUBTOTAL:	\$22,657.42
	Attorneys' fees (through 3/2/11)		\$6,260.50
	Costs (through 12/15/10)		\$618.00
		TOTAL:	\$29,535.92

IT IS SO ORDERED, that Judgment be entered totaling \$29,535.92. Post-Judgment interest shall accrue at the rate of 5% per annum on contributions (\$18,047.89), and at the legal rate on the other amounts due (\$11,488.03) from January 26, 2011 to date of satisfaction of Judgment.

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It is further ordered that Defendants provide their reports to Plaintiffs Trust Funds for the period of September 2009, and April 2010 through December 2010, within 15 days of the date of entry of this Judgment.

It is further ORDERED that Plaintiffs be awarded additional attorneys' fees and costs they incur relating to the collection of amounts owed pursuant to this Judgment. Plaintiffs may submit additional declarations to the Court relative to such amounts claimed due.

It is further ORDERED that the Court shall retain jurisdiction over this matter.



Dated: 4/15/11

THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE