

United States District Court
For the Northern District of California

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

THE BOARD OF TRUSTEES, in their)	Case No. C 10-05831 SC
capacity as Trustees of the CEMENT)	
MASONS HEALTH AND WELFARE TRUST)	ORDER ADOPTING REPORT AND
FUND FOR NORTHERN CALIFORNIA,)	RECOMMENDATION AND ENTERING
CEMENT MASONS PENSION TRUST FUND)	<u>DEFAULT JUDGMENT</u>
FOR NORTHERN CALIFORNIA, CEMENT)	
MASONS VACATION/HOLIDAY TRUST FUND)	
FOR NORTHERN CALIFORNIA, CEMENT)	
MASONS APPRENTICESHIP AND TRAINING)	
TRUST FUND FOR NORTHERN)	
CALIFORNIA,)	
)	
Plaintiffs,)	
)	
v.)	
)	
KMA CONCRETE CONSTRUCTION CO.,)	
)	
Defendant.)	

Magistrate Judge Laurel Beeler has issued a Report and Recommendation in which she recommends this Court grant the Motion for Default Judgment filed by Plaintiffs The Board of Trustees, in their capacities as Trustees of the Cement Masons Health and Welfare Trust Fund for Northern California, Cement Masons Pension Trust Fund for Northern California, Cement Masons Vacation/Holiday Trust Fund for Northern California, Cement Masons Apprenticeship and Training Trust Fund for Northern California ("Plaintiffs") against KMA Concrete Construction Co. ("Defendant") and enter judgment in favor of Plaintiffs. ECF No. 17. No objections have been filed. Having reviewed the Report and Recommendation, the

1 Court finds it to be correct, well-reasoned, and thorough, and
2 therefore ADOPTS it in every respect. Accordingly, Plaintiffs'
3 Motion for Default Judgment against Defendant is GRANTED; Defendant
4 is ORDERED to pay Plaintiffs \$80,014.42 in delinquent
5 contributions, \$4,350 in liquidated damages, \$25,954.78 in
6 interest, \$816.25 in costs, and \$9,478.75 in attorneys' fees.

7 FURTHER, as requested by Plaintiffs and in accordance with the
8 parties' Master Agreement, Defendant is ORDERED to submit to an
9 audit of its payroll records for the period of January 1, 2007 to
10 the present, at the direction of Plaintiffs, so that Plaintiffs may
11 determine the accurate amounts of any additional delinquency. If
12 the initial audit of the payroll records does not provide enough
13 information to determine whether or not an additional delinquency
14 exists, then Defendant must submit to a further audit, at the
15 direction of Plaintiffs, of whatever records or accounts exist in
16 order to determine the amount of the delinquency. Upon completion
17 of the audit, Plaintiffs may file another submission detailing the
18 additional damages (apart from the amount granted in this Order),
19 if any, that Plaintiffs have deemed appropriate to be assessed
20 against Defendant for the period of January 1, 2007 to the present.
21 The Court will then determine if the requested relief is
22 appropriate.

23
24 IT IS SO ORDERED.

25
26 Dated: September 8, 2011

27 UNITED STATES DISTRICT JUDGE
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