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5 Attorneys for Plaintiffs

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 * * *

9 BOARD OF TRUSTEES OF THE PIPE
TRADES DISTRICT COUNCIL NO. 36
10 HEALTH AND WELFARE TRUST FUND;
BOARD OF TRUSTEES OF THE PIPE
11 TRADES DISTRICT COUNCIL NO. 36
PENSION TRUST FUND; BOARD OF
12 TRUSTEES OF THE PIPE TRADES
DISTRICT COUNCIL NO. 36 APPRENTICE
13 TRAINING TRUST FUND; BOARD OF
TRUSTEES OF THE CENTRAL
14 CALIFORNIA PIPE TRADES INDUSTRY
LABOR-MANAGEMENT COOPERATION
15 COMMITTEE TRUST FUND,

16 Plaintiffs,

17 v.

18 R T / D T INC, a California corporation, dba
THOMAS PLUMBING; ROBERT BRYON
19 THOMAS; DANTE MERLINDA THOMAS;
AMERICAN CONTRACTORS INDEMNITY
20 COMPANY; and DOES 1 through 50,
inclusive,

21 Defendants.
22

Case No. 4:11-CV-04015-LB

STIPULATION AND ORDER FOR
JUDGMENT AGAINST:

- (1) R T / D T INC. DBA THOMAS
PLUMBING
- (2) ROBERT BYRON THOMAS; AND
- (3) DANTE MERLINDA THOMAS

23 Plaintiffs Board of Trustees of the Pipe Trades District Council No. 36 Health and
24 Welfare Trust Fund, Board of Trustees of the Pipe Trades District Council No. 36 Pension Trust
25 Fund, Board of Trustees of the Pipe Trades District Council No. 36 Apprentice Training Trust
26 Fund, and Board of Trustees of the Central California Pipe Trades Industry Labor-Management
27 Cooperation Committee Trust Fund (collectively, "Plaintiffs"), and defendants R T / D T Inc.
28 dba Thomas Plumbing, Robert Bryon Thomas and Dante Merlinda Thomas (collectively, "the

LAW OFFICES
Moss, Tucker, Chiu,
Hebesha & Ward
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5260 NORTH PALM AVENUE
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FRESNO, California 93704

1 Thomases”) hereby stipulate, and request an order, as to the following:

2 1. Plaintiffs and the Thomases entered into a written “Settlement Agreement (Pipe
3 Trades District Council No. 36 Trust Funds and R T / D T Inc. et al)” (the “Agreement”),
4 pertaining to delinquent contributions arising from the Thomases’ work on certain construction
5 projects.

6 2. Among other things, the Agreement called for the Thomases to: remit certain
7 amounts, and provide certain information, within the times described therein; and pre-execute
8 this Stipulation and Order so that Plaintiffs may file it in the event the Thomases fail to comply
9 with their obligations under the Agreement.

10 3. The Thomases have breached their obligations under the Agreement. Plaintiffs
11 and the Thomases hereby jointly request that the Court issue an order for judgment against the
12 Thomases (R T / D T Inc. dba Thomas Plumbing, Robert Byron Thomas and Dante Merlinda
13 Thomas), jointly and severally, in the amount of \$154,902.49 ^{HC 2012-05-31} (“Judgment Amount”).¹

14 4. Interest shall accrue on the Judgment Amount at the twelve percent (12%) per
15 annum rate specified in the Master Labor Agreement executed by R T / D T. Plaintiffs shall
16 further be entitled to recover all costs and attorneys’ fees incurred by them in enforcing this
17 Judgment.

18 5. Within twenty (20) calendar days of the service of this Judgment upon them, the
19 Thomases shall provide Plaintiffs with all financial, payroll and personnel records necessary (as
20 determined by Plaintiffs) to conduct an audit of R T / D T’s contributions for the time periods at
21 issue in this action. The Thomases are hereby placed on notice that failure to comply with this
22 requirement shall constitute grounds for contempt of court. Plaintiffs may, at their sole and
23 unfettered discretion, seek to amend this Judgment based upon the results of said audit.

24 ///

25 _____

26 ¹ The Judgment Amount inserted above includes the payments previously made by the
27 Thomases, if any. Pursuant to the terms of the Agreement: Plaintiffs shall provide the
28 Thomases and ACIC with notice of its intent to file the present Stipulation and Order, and a
list of applicable credits, at least five (5) calendar days prior to doing so; and the Thomases
hereby authorize Plaintiffs to insert, after their execution of this Stipulation and Order, the
Total Amount still owed at the time of filing.

1 6. Plaintiffs shall be entitled to apply to the Court ex parte for any other writs or
2 orders necessary to enforce this Stipulation and Order, or any other provision of the Agreement.

3 Dated: December 30, 2011.

MOSS, TUCKER, CHIU, HEBESHA & WARD
A Professional Corporation

4
5 By 
HENRY Y. CHIU
6 Attorney for Plaintiffs


7
8 Dated: December 30, 2011.

R T / D T INC. dba
THOMAS PLUMBING

9
10 By 
ROBERT BYRON THOMAS, President


11
12 Dated: December 30, 2011.

ROBERT BYRON THOMAS

13
14 By 
ROBERT BYRON THOMAS
15 In his individual capacity

16
17 Dated: December 30, 2011.

DANTE MERLINDA THOMAS

18
19 By 
DANTE MERLINDA THOMAS
20 In her individual capacity

21
22 **ORDER**

23 JUDGMENT IS HEREBY ENTERED AGAINST R T / D T INC. DBA THOMAS
24 PLUMBING, ROBERT BYRON THOMAS AND DANTE MERLINDA THOMAS, JOINTLY
25 AND SEVERALLY, FOR THE AMOUNT SPECIFIED ON THE PRECEDING PAGE.

26 IT IS SO ORDERED.

27 Dated: August 6, 2012

28 
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA