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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA

Plaintiff,

v.

TIM KRUSE CONSTRUCTION, INC.,

Defendant.

No. C 12-05322 JSW

ORDER ADOPTING REPORT AND RECOMMENDATION ON MOTION FOR DEFAULT JUDGMENT**(Docket Nos. 24, 35.)**

This matter comes before the Court upon consideration of the Report and Recommendation (“Report”) prepared by Chief Magistrate Judge Elizabeth D. Laporte, in which she recommends that the Court grant Plaintiffs’ Motion for Default Judgment. The time for filing objections has passed, and no party has objected to the Report.

The Court has considered the Report, the parties’ papers, and the record in this case, and it finds the Report is thorough and well reasoned. Accordingly, the Court ADOPTS it in every respect. The Court GRANTS Plaintiffs’ motion for default judgment, and it enters judgment in favor of Plaintiffs in the amount of \$212,287.46, which is comprised of: \$165,827.56 in unpaid and delinquent contributions; \$36,355.91 in interest and liquidated damages; \$9,198.75 in attorneys’ fees, and \$905.24 in costs.

In addition, it is HEREBY ORDERED that Defendant shall submit to an audit by auditors selected by Plaintiffs at Defendant’s premises, during business hours, or where the

1 records are kept, at a reasonable time or times. The auditors shall be permitted to examine and
2 copy Defendant's books, records, papers, and reports, including those described in the report
3 and recommendation.

4 IT IS FURTHER ORDERED that Defendant: (1) shall pay all amounts found due and
5 owing as a result of the audit; (2) shall submit to the Trust Funds all reports and contributions
6 due an owing; (3) shall refrain from failing, neglecting, or refusing to timely submit required
7 monthly contributions reports and payments as required by the terms of the collective
8 bargaining agreements, so long as Defendant is obligated to contribute to the Trust Funds; and
9 (4) shall pay interest on any amounts found due in an amount to be determined consistent with
10 26 U.S.C. section 6621.

11 The Court shall retain jurisdiction over this matter, but it reserves the right to refer any
12 future disputes to Chief Magistrate Judge Laporte for the preparation of a further report and
13 recommendation.

14 The Court shall enter a separate judgment, and the Clerk shall close this file.

15 **IT IS SO ORDERED.**

16 Dated: October 2, 2013



JEFFREY WHITE
UNITED STATES DISTRICT JUDGE