

1 Muriel B. Kaplan, Esq. (SBN 124607)
 Michele R. Stafford, Esq. (SBN 172509)
 2 SALTZMAN & JOHNSON LAW CORPORATION
 44 Montgomery Street, Suite 2110
 3 San Francisco, CA 94104
 Telephone: (415) 882-7900
 4 Facsimile: (415) 882-9287
 mkaplan@sjlawcorp.com
 5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs

7
 8
 9

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.,

Case No: C12-5378 TEH

13 Plaintiffs,

DEFAULT JUDGMENT

14 v.

Judge: The Honorable Thelton E. Henderson

15 NEHEMIAH ELIJAH BROWN, JR.,
 16 Individually and *dba* PRECISION
 DRYWALL CO.,

17 Defendant.

18
 19 Plaintiffs’ Motion for Default Judgment filed by Bay Area Painters and Tapers Pension
 20 Trust Fund, and its Joint Board of Trustees; Les Proteau and Charles Del Monte, Trustees; District
 21 Council 16 Northern California Health and Welfare Trust Fund, and its Joint Board of Trustees;
 22 Doug Christopher and John Maggiore, Trustees; Bay Area Painters & Tapers Health Fund;
 23 District Council 16 Northern California Journeyman & Apprentice Training Trust Fund, and its
 24 Joint Board of Trustees; Doug Christopher and Marion Bourboulis, Trustees; and District Council
 25 16 of the International Union of Painters and Allied Trades, was submitted on the pleadings filed
 26 herein.

27 The Court having found that Defendant NEHEMIAH ELIJAH BROWN, JR. *dba*
 28 PRECISION DRYWALL CO. is not an infant, incompetent person, or in the military service of

1 the United States or otherwise exempted under the Servicemembers Civil Relief Act of 2003;

2 After considering the moving papers, argument of counsel, and all other matters presented
3 to the Court, IT IS HEREBY ORDERED THAT the motion is GRANTED in its entirety.

4 It is hereby ORDERED, ADJUDGED AND DECREED that Defendant NEHEMIAH
5 ELIJAH BROWN, JR. *dba* PRECISION DRYWALL CO. shall promptly pay to Plaintiffs all
6 sums due and owing under the terms of the Collective Bargaining Agreements and Trust
7 Agreements as amended and incorporated therein, as follows:

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1	4/12	Liquidated damages	\$750.00	
2		5% p/a Interest (6/1/12-6/5/12)	\$15.15	\$765.15
3	5/12	Contributions	\$9,390.44	
4		20% Liquidated damages	\$1,878.09	
5		5% p/a Interest (7/1/12-1/4/13)	\$241.84	\$11,510.37
6	6/12	Contributions	\$7,327.80	
7		20% Liquidated damages	\$1,465.56	
8		5% p/a Interest (8/1/12-1/4/13)	\$157.60	\$8,950.96
9	7/12	Contributions (est.)	\$7,327.80	
10		20% Liquidated damages (est.)	\$1,465.56	
11		5% p/a Interest (9/1/12-1/4/13) (est.)	\$126.48	\$8,919.84
12	8/12	Contributions (est.)	\$7,327.80	
13		20% Liquidated damages (est.)	\$1,465.56	
14		5% p/a Interest (10/1/12-1/4/13) (est.)	\$96.37	\$8,889.73
15	9/12	Contributions (est.)	\$7,327.80	
16		20% Liquidated damages (est.)	\$1,465.56	
17		5% p/a Interest (11/1/12-1/4/13) (est.)	\$65.25	\$8,858.61
18	10/12	Contributions (est.)	\$7,327.80	
19		20% Liquidated damages (est.)	\$1,465.56	
20		5% p/a Interest (12/1/12-1/4/13) (est.)	\$53.20	\$8,846.56
21	11/12	Contributions (est.)	\$7,327.80	
22		20% Liquidated damages (est.)	\$1,465.56	
23		5% p/a Interest (1/1/13-1/4/13) (est.)	\$4.02	\$8,797.38
24		<i>SUB-TOTAL</i>		\$65,538.60
25		Attorneys' fees (9/5/12-1/4/13)		\$3,909.50
26		Anticipated attorneys' fees (Estimated in connection with, preparation for the hearing, review of the Judgment entered, service of same, preparation of and recording Abstracts and a Judgment Lien, preparation of a Writ of Execution for issuance by the Court)		\$1,220.00
27		Costs (10/17/12-10/31/12)		\$540.00
28		<i>SUB-TOTAL</i>		\$5,669.50
		GRAND TOTAL		\$71,208.10

IT IS SO ORDERED, that Judgment be entered totaling **\$71,208.10**. Interest shall accrue from January 5, 2013 at the rate of five percent (5%) per annum on contributions and contribution balances (\$53,357.24), and at the legal rate from the date of Judgment on all other amounts due, all through the date of satisfaction of Judgment.

IT IS FURTHER ORDERED that Plaintiffs be awarded additional attorneys' fees and costs they incur relating to this motion and the collection of amounts owed pursuant to this

1 Judgment, all according to proof. Plaintiffs may submit additional declarations to the Court
2 relative to such amounts claimed due.

3 IT IS FURTHER ORDERED that the Court shall retain jurisdiction over this matter.

4
5 Date: 2/11/13



6 THE HONORABLE THELTON E. HENDERSON
7 SENIOR DISTRICT JUDGE
8 UNITED STATES DISTRICT COURT
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28