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5 **Attorneys for Plaintiffs**

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 ELECTRICAL INDUSTRY SERVICE
 11 BUREAU, INC.; NORTHERN
 CALIFORNIA ELECTRICAL WORKERS
 12 PENSION TRUST; SAN FRANCISCO
 ELECTRICAL INDUSTRY
 13 APPRENTICESHIP AND TRAINING
 TRUST; ELECTRICAL WORKERS
 14 HEALTH AND WELFARE TRUST;
 NATIONAL ELECTRIC BENEFIT FUND;
 15 INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS LOCAL 6
 16 VACATION FUND; INTERNATIONAL
 BROTHERHOOD OF ELECTRICAL
 17 WORKERS LOCAL 6; and TIM
 DONOVAN as Trustee of each of the
 18 Plaintiff Trust Funds except the National
 Electrical Benefit Fund and as agent for
 19 Plaintiff National Electrical Benefit Fund,

Case No. 3:12-cv-06041-EMC

[PROPOSED] ORDER COMPELLING PRODUCTION OF DOCUMENTS

20 Plaintiffs,

21 v.

22 FARZAD GAUSI dba EUROPEAN
 QUALITY ELECTRIC,

23 Defendants.

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 26 NEYHART,
 ANDERSON,
 27 FLYNN &
 GROSBOLL
 ATTORNEYS AT LAW

[PROPOSED] ORDER COMPELLING PRODUCTION OF DOCUMENTS

Case No. 3:12-cv-06041-EMC

1 Plaintiffs ELECTRICAL INDUSTRY SERVICE BUREAU, INC.; NORTHERN
2 CALIFORNIA ELECTRICAL WORKERS PENSION TRUST; SAN FRANCISCO
3 ELECTRICAL INDUSTRY APPRENTICESHIP AND TRAINING TRUST; ELECTRICAL
4 WORKERS HEALTH AND WELFARE TRUST; NATIONAL ELECTRIC BENEFIT FUND;
5 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 6 VACATION
6 FUND; INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 6; and
7 TIM DONOVAN as Trustee of each of the Plaintiff Trust Funds except the National Electrical
8 Benefit Fund and as agent for Plaintiff National Electrical Benefit Fund (hereafter, collectively,
9 “Plaintiffs”) brought the present action to compel an audit of Defendant FARZAD GAUSI dba
10 EUROPEAN QUALITY ELECTRIC (hereafter “European Quality Electric”). As trustees,
11 Plaintiffs have the right to audit certain of European Quality Electric’s books and records to
12 determine if European Quality Electric has paid all sums due to the NORTHERN CALIFORNIA
13 ELECTRICAL WORKERS PENSION TRUST; SAN FRANCISCO ELECTRICAL INDUSTRY
14 APPRENTICESHIP AND TRAINING TRUST; ELECTRICAL WORKERS HEALTH AND
15 WELFARE TRUST; NATIONAL ELECTRIC BENEFIT FUND; and INTERNATIONAL
16 BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 6 VACATION FUND (hereafter
17 “Trust Funds”). Plaintiffs have chosen the certified public accounting firm of MILLER,
18 KAPLAN, ARASE & CO. (hereafter “Miller Kaplan”) to act as their agents for purposes of
19 performing the audit.
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23 Plaintiffs’ counsel has contacted European Quality Electric’s counsel and requested that
24 European Quality Electric produce certain records for purposes of an audit pursuant to the
25 Employee Retirement Income Security Act (ERISA). In their discovery letter, filed with this
26 Court on May 2, 2013, Plaintiffs indicated that European Quality Electric, to date, has produced
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1 only partial certified payroll records. (See, Dckt. No. 24.) Plaintiffs also indicated that European
2 Quality Electric has failed to produce any documents for the other seven (7) categories of
3 necessary documents. (See, Dckt. No. 24.) Specifically, European Quality Electric has not
4 produced any of the following: (1) Quarterly State Tax Forms (DE-9s) for the years 2008, 2009,
5 and 2010; (2) W-2s for the years 2008, 2009, and 2010; (3) A copy of all/any Project Labor
6 Agreements (PLAs) to which European Quality Electric was signatory and/or agreed to be bound
7 for the years 2008, 2009, and 2010; (4) IBEW Local 6 dispatch notices for all employees
8 dispatched to European Quality Electric in 2008, 2009 & 2010; (5) IBEW Local 6 transmittals for
9 2008, 2009 & 2010; or (7) A list of all PLA jobs worked by European Quality Electric in IBEW
10 Local 6's jurisdiction during the years 2008, 2009 & 2010. (See, Dckt. No. 24.)
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12 Pursuant to their discovery letter, filed with this Court on May 2, 2013, Plaintiffs have
13 requested that this Court order the production of the documents necessary to conduct the audit of
14 European Quality Electric.
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NEYHART,
ANDERSON,
FLYNN &
GROSBOLL
ATTORNEYS AT LAW

[PROPOSED] ORDER COMPELLING PRODUCTION OF DOCUMENTS
Case No. 3:12-cv-06041-EMC

1 **[PROPOSED] ORDER**

2 Having reviewed and considered Plaintiffs' [Proposed] Order Compelling Production of
3 Documents, and GOOD CAUSE appearing therefore,

4 **IT IS HEREBY ORDERED:**

5
6 1. European Quality Electric is ordered to provide to Miller, Kaplan, Arase & Co.,
7 the auditor designated by Plaintiff Trustees, the records requested. Specifically, these consist of
8 the following documents:

9 a) Any and all certified payroll submitted by European Quality Electric from
10 the period of January 2008 through April 2009 & February 2010 through December 2010 for all
11 jobs worked within International Brotherhood of Electrical Workers (IBEW) Local 6's
12 jurisdiction;

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14 b) Any and all Quarterly State Tax Forms (DE-9s) submitted and/or filed by
15 European Quality Electric for the years 2008, 2009, and 2010;

16 c) Any and all W-2s European Quality Electric provided to its employees for
17 the years 2008, 2009, and 2010;

18 d) A copy of any and all Project Labor Agreements (PLAs) to which
19 European Quality Electric was signatory and/or agreed to be bound for the years 2008, 2009, and
20 2010;

21
22 e) Any and all International Brotherhood of Electrical Workers (IBEW)
23 Local 6 dispatch notices for all employees dispatched to European Quality Electric in the years
24 2008, 2009 & 2010;

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[PROPOSED] ORDER COMPELLING PRODUCTION OF DOCUMENTS
Case No. 3:12-cv-06041-EMC

1 f) Any and all transmittals submitted by European Quality Electric to
2 International Brotherhood of Electrical Workers (IBEW) Local 6 during the years of 2008, 2009
3 & 2010; and

4 g) A list of all PLA jobs worked by European Quality Electric in
5 International Brotherhood of Electrical Workers (IBEW) Local 6's jurisdiction during the years
6 2008, 2009 & 2010.
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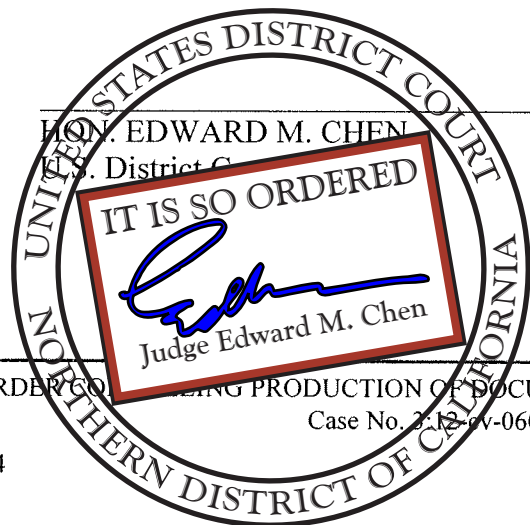
8 These documents must be produced within **fourteen (14) days** of this signed Order.

9 3. European Quality Electric, having expressed its belief, by and through its counsel,
10 that the W-2s referenced in section 2(c), above, contain information which implicates the privacy
11 rights of European Quality Electric's employees, European Quality Electric may produce those
12 documents to Miller Kaplan pursuant to the Protective Order in this case.
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14 4. In the course of the audit, Miller Kaplan may request additional documents and
15 information from European Quality Electric. European Quality Electric shall promptly provide
16 such information and/or documents as is reasonably necessary to complete the audit, as
17 determined by Miller Kaplan.

18 5. Counsel shall jointly file a notice of compliance, or separate statements as to why
19 this Order has or has not been complied with, within 21 days from this signed Order.
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23 Dated: May 10, 2013



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26 NEYHART,
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GROSBOLL
ATTORNEYS AT LAW

[PROPOSED] ORDER GOING INTO EFFECT REGARDING PRODUCTION OF DOCUMENTS
Case No. 2:12-cv-06041-EMC

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PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action. My business address is 369 Pine Street, Suite 800, San Francisco, California 94104. On May 9, 2013, I served the within document(s):

[PROPOSED] ORDER COMPELLING PRODUCTION OF DOCUMENTS

by causing an electronic copy of the document(s) listed above to be delivered to the person at the email address(es) set forth below, confirmation transmission in Sender's file.

Harold M. Jaffe
Law Offices of Harold M. Jaffe
3521 Grand Avenue
Oakland, CA 94610
Email: Jaffe510@aol.com

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on May 9, 2013, at San Francisco, California.



Eileen M. Bissen

NEYHART,
ANDERSON,
FLYNN &
GROSBOLL
ATTORNEYS AT LAW