

EJ-130

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):  <b>Christine S. Hwang (SBN 184549); Sara B. Tosdal (SBN 280322)</b>  <b>Leonard Carder LLP</b>  <b>1188 Franklin Street, Suite 201</b>  <b>San Francisco, CA 94109</b></p> <p>TELEPHONE NO.: <b>415-771-6400</b> FAX NO.: <b>415-771-7010</b>  E-MAIL ADDRESS: <b>stosdal@leonardcarder.com</b>  ATTORNEY FOR (Name): <b>Plaintiffs (see attached)</b></p> <p><input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD</p>	<p><b>FOR COURT USE ONLY</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF US District Court for the</b></p> <p>STREET ADDRESS: <b>Northern District of California</b>  MAILING ADDRESS: <b>450 Golden Gate Ave, Box 36060</b>  CITY AND ZIP CODE: <b>San Francisco, CA 94102</b>  BRANCH NAME: <b>San Francisco Courthouse</b></p>	
<p>PLAINTIFF: <b>Alameda County Electrical Industry Service Corp. et al.</b></p> <p>DEFENDANT: <b>Northern States Electric, Inc. et al.</b></p>	
<p><b>WRIT OF</b></p> <p><input checked="" type="checkbox"/> EXECUTION (Money Judgment)  <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property  <input type="checkbox"/> SALE <input type="checkbox"/> Real Property</p>	<p>CASE NUMBER:  <b>3:13-cv-00883-WHO</b></p> <p><input type="checkbox"/> Limited Civil Case <input type="checkbox"/> Small Claims Case  <input checked="" type="checkbox"/> Unlimited Civil Case <input type="checkbox"/> Other _____</p>

1. **To the Sheriff or Marshal of the County of:** U.S. Marshal of the Northern District of California  
You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
2. **To any registered process server:** You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.
3. (Name): **Alameda County Electrical Industry Service Corp. et al. (see attached)**  
is the  judgment creditor  assignee of record whose address is shown on this form above the court's name.
4. **Judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):**  

<b>Northern States Electric, Inc.</b> <b>325 Earhart Way</b> <b>Livermore, CA 94551</b>	9. <input type="checkbox"/> See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale. 10. <input type="checkbox"/> This writ is issued on a sister-state judgment. 11. Total judgment ..... \$ <b>181,187.16</b> 12. Costs after judgment (per filed order or memo CCP 685.090) ..... \$ 13. Subtotal (add 11 and 12) ..... \$ <b>181,187.16</b> 14. Credits ..... \$ <b>39,444.38</b> 15. Subtotal (subtract 14 from 13) ..... \$ <b>141,742.78</b> 16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) ... \$ 17. Fee for issuance of writ ..... \$ 18. <b>Total (add 15, 16, and 17) ..... \$ 141,742.78</b> 19. Levying officer: (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of. . . . . \$ (b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) . . . . . \$
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5. **Judgment entered on (date):** 12/22/2014
6.  Judgment renewed on (dates):
7. **Notice of sale** under this writ  
a.  has not been requested.  
b.  has been requested (see next page).
8.  Joint debtor information on next page.

(SEAL)

**RICHARD W. WIEKING**  The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Issued on (date): 2/13/15 Clerk, by **ALFRED AMISTOSO**, Deputy

**NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.**

PLAINTIFF: Alameda County Electrical Industry Service Corp. et al. DEFENDANT: Northern States Electric, Inc. et al.	CASE NUMBER: 3:13-cv-00883-WHO
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— Items continued from page 1—

21.  **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):

\_\_\_\_\_

22.  **Notice of sale** has been requested by (name and address):

\_\_\_\_\_

23.  **Joint debtor** was declared bound by the judgment (CCP 989–994)

a. on (date): b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:	a. on (date): b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:
_____ _____	_____ _____

c.  additional costs against certain joint debtors (itemize):

\_\_\_\_\_

24.  (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a.  Possession of real property: The complaint was filed on (date):  
 (Check (1) or (2)):

(1)  The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.  
 The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2)  The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.  
 (a) \$ \_\_\_\_\_ was the daily rental value on the date the complaint was filed.  
 (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify): \_\_\_\_\_

b.  Possession of personal property.  
 If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.

c.  Sale of personal property.

d.  Sale of real property.

e. Description of property:

**NOTICE TO PERSON SERVED**

**WRIT OF EXECUTION OR SALE.** Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

**WRIT OF POSSESSION OF PERSONAL PROPERTY.** If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

**WRIT OF POSSESSION OF REAL PROPERTY.** If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

**ATTACHMENT TO WRIT OF EXECUTION**

***Alameda County Electrical Industry Service Corporation et al. v. Northern States Electric Inc.,  
Case No. 13-cv-00883-WHO***

Parties to this action are as follows:

*Defendants:* Northern States Electric, Inc. and Marsha Carlson

*Plaintiffs:* Alameda County Electrical Industry Service Corporation (“EISC”);

IBEW Local 595 Health & Welfare Trust Fund;

IBEW Local 595 Pension Trust Fund;

IBEW Local 595 Money Purchase Pension Trust Fund;

IBEW Local 595 Vacation Fund;

IBEW Local 595 Apprentice & Training Fund;

Electrical Contractors Trust;

Contract Administration Fund;

Labor Management Cooperation Fund (collectively “IBEW 595 Trust Funds”);

Boards of Trustees of IBEW 595 Trust Funds; and

Boards of Directors of EISC.

Judgment creditors are as follows:

Alameda County Electrical Industry Service Corporation (“EISC”);

IBEW Local 595 Health & Welfare Trust Fund;

IBEW Local 595 Pension Trust Fund;

IBEW Local 595 Money Purchase Pension Trust Fund;

IBEW Local 595 Vacation Fund;

IBEW Local 595 Apprentice & Training Fund;

Electrical Contractors Trust;

Contract Administration Fund;

Labor Management Cooperation Fund (collectively “IBEW 595 Trust Funds”);

Boards of Trustees of IBEW 595 Trust Funds; and

Boards of Directors of EISC.

Judgment creditors can be reached at:

Leonard Carder, LLP

1188 Franklin Street, Suite 201

San Francisco, CA 94109

Judgment debtor in this action is Northern States Electric, Inc.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALAMEDA COUNTY ELECTRICAL  
INDUSTRY SERVICE CORPORATION, et  
al.,

Plaintiffs,

v.

NORTHERN STATES ELECTRIC INC., et  
al.

Defendants.

Case No. 13-cv-00883-WHO

**ORDER ADOPTING REPORT AND  
RECOMMENDATION, AS MODIFIED**

Re: Dkt. No. 27, 31

United States District Court  
Northern District of California

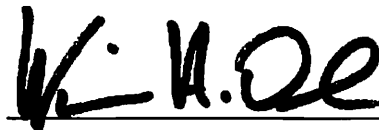
I have reviewed Magistrate Judge Beeler’s November 6, 2014 report and recommendation that the plaintiffs’ application for default judgment be granted. Dkt. No. 31. No party objected to the report and recommendation within 14 days as required under 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Judge Beeler’s report and recommendation is correct, well-reasoned and thorough. The report and recommendation is ADOPTED, subject to the modification discussed below.

Judge Beeler recommended that the Court approve a default judgment against defendant Northern States Electric Inc. for \$184,995.77, which comprises \$74,481.27 in delinquent contributions, \$18,704.86 in liquidated damages, \$31,268.46 in interest, \$1,766.18 in costs, and \$58,775.00 in attorneys’ fees. Dkt. No. 31 at 15. However, the report and recommendation omitted application of the statutory cap on liquidated damages, under which liquidated damages are capped at 20 percent of unpaid contributions to a benefits plan. 29 U.S.C. 1132(g)(2)(C)(ii). Defendants’ unpaid contributions amounted to \$74,481.27, 20% of which is \$14,896.25. Dkt. No. 27-3 at 3. I accordingly award plaintiffs \$14,896.25 in liquidated damages rather than the \$18,704.86 Judge Beeler recommended, resulting in a judgment of \$181,187.16.

1            Judge Beeler's report and recommendation is ADOPTED AS MODIFIED. Plaintiffs'  
2 application for default judgment is GRANTED. JUDGMENT is entered against NSE for  
3 \$181,187.16.

4            **IT IS SO ORDERED.**

5 Dated: December 18, 2014



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WILLIAM H. ORRICK  
United States District Judge

United States District Court  
Northern District of California

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