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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 DISTRICT COUNCIL 16 NORTHERN
 CALIFORNIA HEALTH AND WELFARE
 12 TRUST FUND, et al.,

13 Plaintiffs,

14 v.

15 SAFECO DOOR & HARDWARE, INC., *dba* AHC
 16 GLASS, a California corporation.

17 Defendant.

Case No. C15-4146 LB

NOTICE OF SETTLEMENT;

[PROPOSED] ORDER THEREON

18 PLEASE TAKE NOTICE that Plaintiffs District Council 16 Northern California Health and
 19 Welfare Trust Fund, et al., and Defendant SAFECO Door & Hardware, Inc. *dba* AHC Glass, a
 20 California corporation (“Defendant”), have reached a settlement in this matter.

21 Pursuant to the terms of the settlement, Defendant has fully paid the amounts owed to Plaintiffs
 22 to date, except for liquidated damages assessed on late-paid contributions through October 2015 hours
 23 worked. Plaintiffs have conditionally approved Defendant’s request for a waiver of said liquidated
 24 damages, conditioned on timely submission of Defendant’s January 2016 through December 2016
 25 contribution reports and payments. Should Defendant fail to timely submit said contribution reports and
 26 payments, payment of the above described liquidated damages shall be immediately due to Plaintiffs.
 27 However, if Defendant’s January 2016 through December 2016 contribution reports and payments are
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1 timely submitted, upon receipt and bank clearance of Defendant's December 2016 payment (which must
2 be received by January 31, 2017, in order to be considered timely), liquidated damages assessed through
3 October 2015 hours worked shall be waived, and Plaintiffs will voluntarily dismiss this matter with
4 prejudice.

5 Accordingly, it is respectfully requested that the Court vacate the calendar in this matter, but
6 retain jurisdiction through February 2017, to allow time for Defendant to submit the above described
7 payments, and for Plaintiffs to verify bank clearance of same.

8 Respectfully submitted.

9 Dated: April 21, 2016

SALTZMAN & JOHNSON LAW
CORPORATION

10 By:

11 _____ /S/

12 Michele R. Stafford
13 Attorneys for District Council 16 Northern
California Health And Welfare Trust Fund, et al.

14 IT IS SO ORDERED.

15 Based on the foregoing and GOOD CAUSE APPEARING, the calendar on this matter is
16 vacated. The Court shall retain jurisdiction over this matter through February 2017.

17 DATED: _____, 2016

18 UNITED STATES DISTRICT COURT JUDGE

19 The court orders that the case be dismissed without prejudice. If any party certifies to
20 the court by March 1, 2017 (with proof of service on opposing counsel) that the agreed
21 consideration has not been delivered, then this order will stand vacated, and this case
will be restored to the calendar to be set for trial. If no certification is filed, then
the dismissal will be with prejudice.

22 DATED: April 22, 2016



1 **PROOF OF SERVICE**

2 I, the undersigned, declare:

3 1. I am a citizen of the United States and am employed in the County of San
4 Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San
5 Francisco, California 94104.

6 2. I am over the age of eighteen and not a party to this action.

7 3. On **April 21, 2016**, I served the following document(s):

8 **NOTICE OF SETTLEMENT; PROPOSED ORDER THEREON**

9 on the interested parties in said action by enclosing a true and exact copy of each document in a sealed
10 envelope and placing the envelope for collection and First Class mailing following our ordinary business
11 practices. I am readily familiar with this business' practice for collecting and processing correspondence
12 for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in
13 the ordinary course of business with the United States Postal Service in a sealed envelope with postage
14 fully prepaid.

15 4. The envelope(s) were addressed and mailed as follows:

16 Patricia Walsh, Esq.
17 Attorney At Law
18 Leonidou & Rosin Professional Corporation
777 Cuesta Drive, Ste. 200
Mountain View, CA 94040

19 *Attorneys for Defendant*

20 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
21 was executed on **April 21, 2016**, at San Francisco, California.

22 /S/

23 _____
Elise Cotterill
24 Paralegal