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And Allied Craftworkers Local No. 3
7 Health And Welfare Trust, et al.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 BRICKLAYERS AND ALLIED
12 CRAFTWORKERS LOCAL NO. 3 HEALTH
AND WELFARE TRUST, et al.,

13 Plaintiffs,

14 v.

15 BRIAN MITCHELL, Individually and dba
16 PRECISION MASONRY, a California Sole
Proprietorship.

17 Defendant.

Case No. C16-01303 HSG

**NOTICE OF SETTLEMENT;
ORDER THEREON**

18
19 PLEASE TAKE NOTICE that Plaintiffs Bricklayers And Allied Craftworkers Local No. 3
20 Health And Welfare Trust, et al. (“Plaintiffs”), and Defendant Brian Mitchell, individually and dba
21 Precision Masonry, a California Sole Proprietorship (“Defendant”), have reached a settlement in this
22 matter.

23 Pursuant to the terms of the settlement, Defendant paid all amounts owed to Plaintiffs through
24 April 2016, except for a balance due for liquidated damages assessed on its late-paid contributions for
25 August 2015 through February 2016. Plaintiffs approved a conditional waiver of the balance remaining
26 due for liquidated damages on the condition that Defendant timely pay contributions for six (6)
27 consecutive months, beginning with April 2016 contributions through, and including, September 2016

1 contributions. If Defendant timely pays its April 2016 through September 2016 contributions, the
2 liquidated damages remaining due for its late-paid August 2015 through February 2016 contributions
3 shall be waived, and Plaintiffs will file a Notice of Voluntary Dismissal upon bank clearance of
4 Defendant's payment for September 2016 contributions. Should Defendant fail to timely pay its April
5 2016 through September 2016 contributions, payment of the above described liquidated damages shall
6 be immediately due to Plaintiffs.

7 Based on the above, Plaintiffs respectfully request that the Court vacate the calendar in this
8 matter, but retain jurisdiction through November 2016, to allow time for Defendant to submit the above
9 described payments and for Plaintiffs to verify bank clearance of same.

10 Respectfully submitted.

11 Dated: May 24, 2016

SALTZMAN & JOHNSON LAW
CORPORATION

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13 By:

/S/

Erica J. Russell
Attorneys for Bricklayers And Allied Craftworkers
Local No. 3 Health And Welfare Trust, et al.

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16 IT IS SO ORDERED.

17 Based on the parties' notice of settlement, and it appearing that no issue remains for the Court's
18 determination, this action and all claims asserted herein are DISMISSED, and all scheduled dates are
19 VACATED. In the event that defendant fails to timely comply with the terms of the settlement,
20 plaintiffs may move to reopen the case, provided that such motion is filed by no later November 30,
21 2016.

22 DATED: May 25, 2016


UNITED STATES DISTRICT COURT JUDGE