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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA, et al.,  
  
                    Plaintiffs,  
  
                    v.  
  
DANIEL L POWELL,  
  
                    Defendant.

Case No. [16-cv-02996-WHO](#)

**MANDATORY INJUNCTION  
PURSUANT TO DEFAULT  
JUDGMENT; ORDER TO SHOW  
CAUSE REGARDING SANCTIONS**

Re: Dkt. Nos. 19, 25, and 26

United States District Court  
Northern District of California

On December 19, 2016, I GRANTED plaintiffs’ motion for an injunction (Dkt. No. 25) following the Report and Recommendation of Magistrate Judge Kandis Westmore (Dkt. No. 19). Defendant Daniel L. Powell, doing business as Daniel Powell Concrete Cutting, is ORDERED TO COMPLY with its terms.

**MANDATORY INJUNCTION**

Defendant Daniel L. Powell is COMPELLED to submit to an audit of the books and records of Daniel Powell Concrete Cutting, allowing the auditor to examine and copy such books, records, papers and reports of Daniel Powell Concrete Cutting that are relevant to the enforcement of the collective bargaining agreement and trust agreements as described in the Report and Recommendation. This includes, but is not limited to, the following for the period of July 1, 2012 to the present:

California Quarterly Report of Wages, Form DE-6; Federal Tax Forms W-3/W-2 and 1069/1099; Payroll Registers/Journals; Individual Earning Records; Source Records, including time cards and time card summaries for all employees; contribution reports for all trust funds; workers’ compensation reports; certified payroll reports; personnel records indicating job classifications and hire/termination dates; cash disbursement journal; vendor invoices; copies of subcontract agreements; cash receipts journal; general ledger; job cost records; records of related entities; and any other books and records that may be necessary to complete the auditor’s determination or provide additional explanation.

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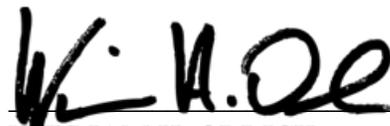
Defendant Powell shall **immediately** contact Joe Shepherd at (707) 384-0891 to arrange for the audit, **and** defendant Powell shall contact plaintiff's attorney Ronald L. Richman at (415) 352-2722 immediately thereafter to confirm the date of the audit.

Defendant Powell shall also show cause why he should not be ordered to pay sanctions in the amount of the fees incurred by plaintiffs' counsel for defendant's failure to comply with the injunction prior to this date. This order to show cause shall be vacated *if* defendant Powell has complied with the Mandatory Injunction above on or before **March 1, 2017**. A further hearing on this matter shall be set for **March 14, 2017** at 2 p.m. in Courtroom 2, 17th floor, 450 Golden Gate Avenue, San Francisco, California 94102.

Plaintiffs shall file a Status Report on March 7, 2017. In the event of defendant Powell's compliance, the matter will be taken off calendar. In the event of defendant Powell's non-compliance in any respect, plaintiffs' counsel shall file with the Status Report a declaration showing the fees his clients have incurred following the filing of the Complaint in this case.

**IT IS SO ORDERED.**

Dated: January 11, 2017

  
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WILLIAM H. ORRICK  
United States District Judge