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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHEET METAL WORKERS PENSION  
TRUST OF NORTHERN CALIFORNIA, et  
al.,

Plaintiffs,

v.

BOTNER MANUFACTURING, INC.,

Defendant.

Case No. 24-cv-03159-LJC

**ORDER RE: PROPOSED JUDGMENT  
PURSUANT TO STIPULATION**

Re: ECF No. 8

Pending before the Court is Plaintiffs’ Sheet Metal Workers Pension Trust of Northern California, et al.’s proposed Judgment Pursuant to Stipulation. ECF No. 8. Plaintiffs request that the Court enter judgment against Defendants and in Plaintiffs’ favor in the total amount of \$34,288.11, pursuant to the terms of the parties’ stipulation. *See id.* However, Plaintiffs have not filed proof of service indicating that Defendants Botner Manufacturing Inc. and Shelly Botner<sup>1</sup> were properly served with summons and a copy of the Complaint pursuant to Federal Rule of Civil Procedure 4. Nor has counsel for Defendants entered an appearance in this case. Under Rule 4(l) of the Federal Rules of Civil Procedure, unless service is waived, proof of service must be made to the Court. If Defendants have not been properly served, Plaintiffs are directed to complete service as contemplated by Rule 4, and file proof of service soon thereafter, or file proof that service of summons has been waived.

Moreover, the proposed Judgment Pursuant to Stipulation does not comply with Civil

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<sup>1</sup> Defendant Shelly Botner is not a party originally named in Plaintiffs’ Complaint. *See* ECF No. 1. However, the proposed Judgment Pursuant to Stipulation confirms that Shelly Botner is personally guaranteeing the amounts due under the proposed Judgment and that she consents to be added as a Defendant to this action. ECF No. 8 at 2. It also confirms that both Defendants consent to proceed under magistrate judge jurisdiction. *Id.*


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Local Rule 5-1, which requires, among other things, “[i]n the case of a signatory who is not an ECF user, or who is an ECF user but whose user ID and password are not utilized in the electronic filing of the document (as in the case of documents requiring multiple signatures), the filer of the document shall attest that each of the other Signatories have concurred in the filing of the document, which shall serve in lieu of their signatures on the document.” Civ. L.R. 5-1(i)(3). The proposed Judgment Pursuant to Stipulation does not contain an attestation from Plaintiffs’ counsel as to the signatures for Defendants Botner Manufacturing Inc. and Shelly Botner, who, as noted above, have not entered an appearance in this matter.

The Court shall defer ruling on the proposed Judgment Pursuant to Stipulation until the deficiencies identified in this Order have been fully addressed and resolved by the parties.

**IT IS SO ORDERED.**

Dated: June 5, 2024

  
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LISA J. CISNEROS  
United States Magistrate Judge