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United States District Court  
For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA, LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA, AND LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

TRETHEWAY, INC., a California Corporation,

Defendant.

No. C-10-03223-SBA (DMR)

**ORDER REQUESTING  
SUPPLEMENTAL INFORMATION AND  
SCHEDULING HEARING DATE ON  
MOTION FOR DEFAULT JUDGMENT**

Notice is hereby given that the hearing on Plaintiff's Motion for Default Judgment is set on **June 30, 2011 at 11:00 a.m** in Courtroom 4, 3rd Floor, U.S. District Court, 1301 Clay Street, Oakland, California 94612. Further, having reviewed Plaintiff's Motion for Default Judgment [Docket No. 24], the court hereby orders Plaintiff to submit the following supplemental evidence and information in support of its motion, **by no later than June 29, 2011:**

1 (1) Explanation of inconsistencies observed between the unpaid contributions and the  
2 interest due therefrom. Exhibit E was submitted with the Declaration of John Hagan [Docket  
3 No. 25] as a true and correct copy of the Statement of Contributions due to the Trust Funds  
4 for these months. Exhibit F was submitted with the Declaration of John Hagan as a true and  
5 correct copy of the Statement of Interest and Liquidated Damages due on the reported unpaid  
6 contributions for these months. Inconsistencies between Exhibit E and Exhibit F include:

7 a) Interest amounts appear to have been applied for periods that do not indicate any  
8 contribution is due. (*See, e.g.*, Vacation-Holiday Trust Fund for July 2008. Exhibit E  
9 shows no contribution due. Exhibit F shows interest due for this period amounting to  
10 \$289.89.)

11 b) Interest amounts seem to have accrued at a rate that exceeds other amounts of the  
12 same period. (*See, e.g.*, Health & Welfare Trust Fund in July 2008. Exhibit F shows  
13 that, as a portion of the unpaid contribution from Exhibit E, the interest amount  
14 accrued at a rate that far outstrips interest amounts for the other funds in July 2008.)

15 c) Interest amounts are identified in October 2010, a period that was not identified as  
16 delinquent in either the John Hagan Declaration or the Motion for Default Judgment.  
17 Exhibit E does not show any contribution due for October 2010.

18 (2) Further information on the method used to calculate all interest amounts in Exhibit F.  
19 The John Hagan Declaration and Master Agreement (Decl. Ex. C) indicate that these rates  
20 should accrue at a rate of 1.5% per month. Accordingly, the court requests submission of the  
21 formulas used for each of the figures in Exhibit F. The court has observed irregularities with  
22 the methodology used in Exhibit F, and has thus far been unable to verify the accuracy of the  
23 numbers. (*See, e.g.*, Pension Trust Fund interest amount of \$31.60 on an amount unpaid of  
24 \$47.04 in August 2009. As calculated through March 25, 2011, this interest amount reflects  
25 an interest rate in excess of 3% a month.)

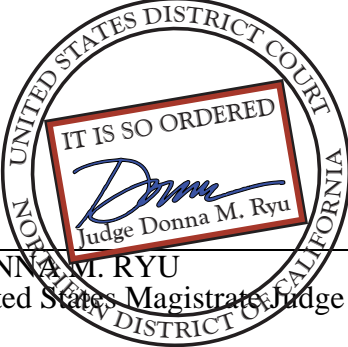
26 (3) In light of inconsistencies observed with Exhibit F, a full accounting for the figures  
27 provided for in Exhibit G. For each amount this now should include the date at which a  
28 contribution became due, the amount that was due, and the date when the amount was paid.

1 Note that examples are provided only for illustrative purposes and Plaintiff's supplemental  
2 materials should not be confined to answering questions based on the individual examples.

3 **Immediately upon receipt of this Order, Plaintiff shall serve a copy of this Order on**  
4 **Defendants and shall e-file a proof of service on the same day that service is effected. At the**  
5 **same time Plaintiff's supplemental information as ordered herein is submitted to the court,**  
6 **Plaintiff shall service Defendants with a copy of the supplemental information and file a proof**  
7 **of service with the court.** Service by Plaintiff may be made by mail.

8  
9 IT IS SO ORDERED.

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11 Dated: June 16, 2011

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14 DONNA M. RYU  
15 United States Magistrate Judge

