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19 Attorneys for Defendants

20 UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 RUSSELL E. BURNS, et al.,

23 Plaintiffs,

24 v.

25 HALOPOFF & SONS, INC., a California
26 Corporation; JOHN HALOPOFF, an
27 individual

28 Defendants.

Case No.: C13-3968 YGR

JUDGMENT PURSUANT TO STIPULATION

IT IS HEREBY STIPULATED by and between the undersigned parties hereto, that Judgment may be entered in the within action in favor of the Plaintiffs RUSSELL E. BURNS, et. al. (collectively “Plaintiffs”) and against Defendant HALOPOFF & SONS, INC., a California Corporation (“Defendant”), as follows:

1. Plaintiffs filed a Complaint against Defendant on August 27, 2013 to compel Defendant to comply with the terms of its Collective Bargaining Agreement.

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JUDGMENT PURSUANT TO STIPULATION
Case No.: C13-3968 YGR

- 1 2. Service on Defendant was effectuated on September 4, 2013.
- 2 3. Defendant filed an Answer and Demand for Jury Trial on September 17, 2013.
- 3 4. The parties desire to resolve this matter by entry of a Judgment by Stipulation
- 4 against Defendant, without the necessity of further litigation against Defendant.
- 5 5. The parties hereby stipulate that Judgment may be entered in favor of Plaintiffs and
- 6 against Defendant in the total amount of **\$366,181.14** as follows:

DELINQUENT CONTRIBUTIONS		
2/13 Contribution Balance (\$16,232.28 due)	\$14,099.23	
20% Liquidated Damages on 2/13 Contributions	\$3,246.46	
10% Interest on 2/13 Contributions (through 2/25/15)	\$2,711.69	
		\$20,057.38
3/13 Contribution Balance (\$19,396.62 due)	\$16,686.37	
20% Liquidated Damages on 3/13 Contributions	\$3,879.32	
10% Interest on 3/13 Contributions (through 2/25/15)	\$3,067.55	
		\$23,633.24
4/13 Contribution Balance (\$20,455.82 due)	\$19,040.60	
20% Liquidated Damages on 4/13 Contributions	\$4,091.16	
10% Interest on 4/13 Contributions (through 2/25/15)	\$3,343.84	
		\$26,475.60
5/13 Contributions	\$5,838.86	
20% Liquidated Damages on 5/13 Contributions	\$1,167.77	
10% Interest on 5/13 Contributions (through 2/25/15)	\$975.81	
		\$7,982.44
6/13 Contribution Balance (\$10,880.55 due)	\$9,530.97	
20% Liquidated Damages on 6/13 Contributions	\$2,176.11	
10% Interest on 6/13 Contributions (through 2/25/15)	\$1,514.51	
		\$13,221.59
7/13 Contributions	\$7,866.11	
20% Liquidated Damages on 7/13 Contributions	\$1,573.22	
10% Interest on 7/13 Contributions (through 2/25/15)	\$1,183.15	
		\$10,622.48
8/13 Contributions	\$4,622.75	
20% Liquidated Damages on 8/13 Contributions	\$924.55	
10% Interest on 8/13 Contributions (through 2/25/15)	\$656.05	
		\$6,203.35
9/13 Contributions	\$5,132.87	
20% Liquidated Damages on 9/13 Contributions	\$1,026.57	
10% Interest on 9/13 Contributions (through 2/25/15)	\$686.26	
		\$6,845.70

Chart continued on the next page...

10/13 Contributions	\$10,170.42	
20% Liquidated Damages on 10/13 Contributions	\$2,034.08	
10% Interest on 10/13 Contributions (through 2/25/15)	\$1,273.39	
		\$13,477.89
11/13 Contributions	\$13,751.15	
20% Liquidated Damages on 11/13 Contributions	\$2,750.23	
10% Interest on 11/13 Contributions (through 2/25/15)	\$1,608.70	
		\$18,110.08
12/13 Contributions	\$6,099.52	
20% Liquidated Damages on 12/13 Contributions	\$1,219.90	
10% Interest on 12/13 Contributions (through 2/25/15)	\$661.76	
		\$7,981.18
1/14 Contributions	\$3,961.98	
20% Liquidated Damages on 1/14 Contributions	\$792.40	
10% Interest on 1/14 Contributions (through 2/25/15)	\$396.20	
		\$5,150.58
<u>AUDIT (8/1/12 – 11/30/13):</u>		
Contribution Underpayments	\$126,625.91	
20% Liquidated Damages	\$25,325.18	
10% Interest (through 2/25/15)	\$24,558.05	
Audit Fees	\$3,075.42	
		\$179,584.56
Attorneys' Fees (through 2/24/15)	\$23,059.00	
Costs (through 2/24/15)	\$3,776.07	
		\$26,835.07
TOTAL DUE:		\$366,181.14

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1 6. This Judgment does not include withdrawal liability, if any.

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Dated: March 2, 2015

**OPERATING ENGINEERS LOCAL
NO. 3 TRUST FUNDS**

By: _____/S/
David E. Hayner
Collections Manager for Plaintiffs

Dated: March 9, 2015

**SALTZMAN & JOHNSON
LAW CORPORATION**

By: _____/S/
Michele R. Stafford
Attorneys for Plaintiffs

Dated: March 8, 2015

HALOPOFF & SONS, INC.

By: _____/S/
John Halopoff, President

Dated: March 9, 2015

**MOTSCHIEDLER, MICHAELIDES, WISHON,
BREWER & RYAN, LLP**

By: _____/S/
Justin D. Harris
Attorneys for Defendant

ORDER / JUDGMENT

Judgment shall be entered in Plaintiffs' favor and against Defendant Halopoff & Sons in
the amount of \$366,181.14 as set forth above.

Dated: March 10, 2015


DISTRICT COURT JUDGE
YVONNE GONZALEZ ROGERS

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ATTESTATION CERTIFICATE

In accord with the Northern District of California’s General Order No. 45, Section X(B), I attest that concurrence in the filing of this document has been obtained from each of the other signatories who are listed on the signature page.

Dated: March 9, 2015

SALTZMAN & JOHNSON
LAW CORPORATION

By:

/S/

Michele R. Stafford
Attorneys for Plaintiffs