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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**

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6 **BOARD OF TRUSTEES OF THE LABORERS**  
7 **HEALTH AND WELFARE TRUST FUND FOR**  
8 **NORTHERN CALIFORNIA, ET AL.,**

9 Plaintiffs,

10 v.

11 **BRENEMAN, INC., ET AL.,**

12 Defendants.

Case No. 16-cv-01640-YGR  
(consolidated with 16-cv-1641 YGR)

**ORDER ADOPTING REPORT &**  
**RECOMMENDATION;**  
**ORDER TO SHOW CAUSE RE: SANCTIONS**  
**AGAINST JUDGMENT DEBTORS JAMES G.**  
**BRENEMAN AND BRENEMAN, INC. AND RE:**  
**ISSUANCE OF A BENCH WARRANT AS TO**  
**JAMES G. BRENEMAN**

Dkt. Nos. 103, 116

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15 The Court has reviewed Magistrate Judge Elizabeth D. Laporte's Report and  
16 Recommendation (Dkt. No. 116, "Report") recommending that the Court grant Plaintiffs' application  
17 for an order that defendants James G. Breneman individually, and Breneman, Inc., show cause why  
18 they should not be held in contempt of court and issued a monetary sanction for failure to appear,  
19 twice, for an Order of Examination and further, failure to appear the court's April 3, 2018 hearing,  
20 and why a bench warrant should not be issued for defendant James G. Breneman's violation of two  
21 court orders to appear for examination (Dkt. No. 103). No objections have been filed. The Court has  
22 reviewed the Report carefully and finds the Report correct, well-reasoned, and thorough.

23 Magistrate Judge Laporte has certified the following facts:

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- 25 • Defendants failed to appear at Court-ordered hearing on the Order of Examination set for  
26 February 20, 2018 (Dkt. Nos. 85-88);
  - 27 • Defendants failed to appear at the continued Order of Examination on March 6, 2018 (Dkt.  
28 Nos. 92, 93, 96, 97);
  - Plaintiffs filed an application for an order to show cause re: Monetary Sanctions and Issuance  
of a Bench Warrant (Dkt. No. 103) on March 7, 2018;

United States District Court  
Northern District of California

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- Defendants requested and were granted a two-week extension of time for the hearing on the Order to Show Cause (Dkt. Nos. 108, 111); and
- Neither Defendants nor their counsel appeared for the Court-ordered hearing on the Order to Show Cause on April 3, 2018 (Dkt. No. 115).

Accordingly, and for the reasons set forth in the Report:

1. the Application for an Order to Show Cause re: Monetary Sanctions and Bench Warrant for Arrest for Failure to Appear at Judgment Debtors' Examination is **GRANTED**;


2. Breneman, Inc. and James G. Breneman are **ORDERED TO SHOW CAUSE** why they should not be held in contempt of court and issued a monetary sanction of \$200.00 each for failure to appear on the Order of Examination and Order to Show Cause issued by Magistrate Judge Laporte.

3. Defendant James G. Breneman is **ORDERED TO SHOW CAUSE** why a bench warrant should not be issued for his violation of two court orders to appear for examination.

Defendants James G. Breneman and Breneman, Inc. **SHALL APPEAR** before the **on May 1, 2018, at 2:01 p.m., in Courtroom 1 of the Federal Courthouse, 1301 Clay Street, Oakland, California.**

**IT IS SO ORDERED.**

Dated: April 24, 2018

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE