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 5 [wling@neyhartlaw.com](mailto:wling@neyhartlaw.com)

6 **Attorneys for Plaintiffs**

7 UNITED STATES DISTRICT COURT  
 8 NORTHERN DISTRICT OF CALIFORNIA  
 (San Jose Division)

9  
 10 SACRAMENTO AREA ELECTRICAL  
 WORKERS HEALTH & WELFARE  
 11 TRUST; SACRAMENTO AREA  
 ELECTRICAL WORKERS PENSION  
 12 TRUST; SACRAMENTO AREA  
 ELECTRICAL WORKERS JOINT  
 13 APPRENTICESHIP & TRAINING TRUST;  
 SACRAMENTO AREA ELECTRICAL  
 14 WORKERS LABOR MANAGEMENT  
 COOPERATION COMMITTEE FUND;  
 15 SACRAMENTO AREA ELECTRICAL  
 WORKERS CONTRACT  
 16 ADMINISTRATION FUND; BOB WARD,  
 17 as trustee of the above trusts except for the  
 SACRAMENTO AREA ELECTRICAL  
 18 WORKERS PENSION TRUST; JEFF  
 19 STORY, as trustee of the SACRAMENTO  
 AREA ELECTRICAL WORKERS  
 20 PENSION TRUST; NATIONAL  
 ELECTRICAL BENEFIT FUND; and  
 21 INTERNATIONAL BROTHERHOOD OF  
 ELECTRICAL WORKERS LOCAL UNION  
 22 NO. 340

Case No. 17-CV-1074-EJD

**STIPULATION FOR CONTINGENT  
DISMISSAL; ~~PROPOSED~~ ORDER**

23 Plaintiffs,

24 v.

25  
 26 CROSS ELECTRIC and DENNIS DAMIEN  
 CROSS,

27 Defendants.

NEYHART,  
 ANDERSON,  
 FLYNN &  
 GROSBOLL  
 ATTORNEYS AT LAW

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STIPULATION; Case No. 17-CV-1074-EJD

1 **STIPULATION FOR CONTINGENT DISMISSAL**

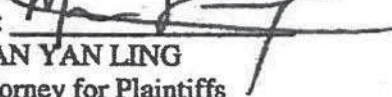
2 The parties stipulate as follow:

- 3 1. In this ERISA collection action, the parties have reached an agreement to settle this case  
4 pursuant to the terms and conditions specified in a Settlement Agreement.  
5  
6 2. The Settlement Agreement requires Defendants to make timely monthly payments to  
7 Plaintiffs, with the final payment to be received by May 31, 2018.  
8  
9 3. If the Settlement Agreement is breached, the parties agree that Plaintiffs may reopen this  
10 case and file the Stipulated Judgment attached hereto as "Exhibit 1."

11 The parties therefore respectfully request that the Court contingently dismiss this case pursuant  
12 to the above terms.

13 **IT IS SO STIPULATED AND AGREED.**

14 Dated: 7. 24. 2017

15 By:   
16 WAN YAN LING  
17 Attorney for Plaintiffs  
18 Neyhart, Anderson, Flynn & Grosboll

19 Dated: 7/25/2017

20 By:   
21 CROSS ELECTRIC

22 Dated: 7/25/2017

23 By:   
24 DENNIS DAMIEN CROSS

25 **IT IS SO ORDERED.**

26 The Clerk shall  
27 close this file.

28 Dated: August 1, 2017

  
U.S. District Court Judge

NEYHART,  
ANDERSON,  
FLYNN &  
GROSBOLL  
ATTORNEYS AT LAW

# Exhibit 1



1 Benjamin K. Lunch (SB #246015)  
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5 [wling@neyhartlaw.com](mailto:wling@neyhartlaw.com)

6 Attorneys for Plaintiffs

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8 NORTHERN DISTRICT OF CALIFORNIA  
9 (San Jose Division)

10 SACRAMENTO AREA ELECTRICAL  
WORKERS HEALTH & WELFARE  
11 TRUST; SACRAMENTO AREA  
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ELECTRICAL WORKERS LOCAL UNION  
22 NO. 340

23 Plaintiffs,

24 v.

25  
26 CROSS ELECTRIC and DENNIS DAMIEN  
CROSS,

27 Defendants.  
28

Case No. 17-CV-1074-EJD

STIPULATED JUDGMENT

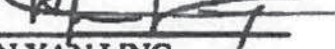
NEYHART,  
ANDERSON,  
FLYNN &  
GROSBOLL  
ATTORNEYS AT LAW

STIPULATED JUDGMENT; Case No. 17-CV-1074-EJD

1 The parties stipulate that judgment shall be entered in favor of Plaintiffs and against  
2 Defendants, jointly and severally, in the amount of \$26,811.77, less all amounts received by  
3 Plaintiffs on the Settlement Agreement dated June 12, 2017, and plus all amounts currently  
4 owed by Defendants to Plaintiffs on said Settlement Agreement, Collective Bargaining  
5 Agreement,<sup>1</sup> and applicable Trust Agreement(s), to wit: \_\_\_\_\_.

6  
7  
8 **IT IS SO STIPULATED AND AGREED.**

9  
10 Dated: June 12, 2017

11 By:   
12 WAN YAN LING  
13 Attorney for Plaintiffs  
14 Neyhart, Anderson, Flynn & Grosboll

15 Dated: 6/14/2017

16 By:   
17 CROSS ELECTRIC

18  
19 Dated: 6/14/2017

20 By:   
21 DENNIS DAMIEN CROSS

22 **IT IS SO ORDERED.**

23  
24 Dated: \_\_\_\_\_

25 \_\_\_\_\_  
26 U.S. District Court Judge

27 NEYHART,  
28 ANDERSON,  
FLYNN &  
GROSBOLL  
ATTORNEYS AT LAW

<sup>1</sup> Labeled the "Inside Wireman's Agreement" which has been entered into by the Sacramento  
Electrical Contractors Association and IBEW Local 340, and which Defendants are signatory to.

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**PROOF OF SERVICE BY MAIL**

I, the undersigned, declare:

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action. My business address is 369 Pine Street, Suite 800, San Francisco, California 94104. On July 26 2017, I served the within:

**STIPULATION FOR CONTINGENT DISMISSAL; [PROPOSED] ORDER**

on the parties in said cause following our business practice, with which I am readily familiar. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I placed a true copy of the within document enclosed in a sealed envelope with first class postage thereon fully prepaid for collection and deposit on the date shown below in the United States mail at San Francisco, California addressed as follows:

Dennis Damien Cross  
30 Main Street  
Colusa, CA 95932

Cross Electric  
30 Main Street  
Colusa, CA 95932

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 26, 2017, at San Francisco, California.

  
\_\_\_\_\_  
Alison Strickland

NEYHART,  
ANDERSON,  
FLYNN &  
GROSBOLL  
ATTORNEYS AT LAW