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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 TRUSTEES OF THE OPERATING ENGINEERS)
10 PENSION TRUST, TRUSTEES OF THE)
OPERATING ENGINEERS HEALTH AND)
11 WELFARE FUND, TRUSTEES OF THE)
OPERATING ENGINEERS JOURNEYMAN)
12 AND APPRENTICE TRAINING TRUST and)
TRUSTEES OF THE OPERATING ENGINEERS)
13 VACATION-HOLIDAY SAVINGS TRUST,)

Case No. 2:11-CV-01179

14 Plaintiffs,)

ORDER GRANTING
DEFENDANTS' MOTION FOR
A PRELIMINARY
INJUNCTION

15 v.)
16

17 SEQUOIA ELECTRIC, LLC, a Nevada limited)
liability company; SEQUOIA ELECTRIC)
18 UNDERGROUND, LLC, a Nevada limited)
liability company; DESERT SEGURO, LLC, a)
Nevada limited liability company; SAGEBRUSH)
19 PROPERTY VENTURES, LLC, a Nevada limited)
liability company; BLAKE BARSY d/b/a)
20 SEQUOIA ELECTRIC COMPANY; BLAKE J.)
BARSY, individually; CLEAR DIAMOND, LLC;)
21 and SEQUOIA CONSTRUCTION, INC.,)

22 Defendants.)

23 BLAKE BARSY d/b/a)
24 SEQUOIA ELECTRIC COMPANY,)

Counterclaimant,)

25 v.)
26

27 TRUSTEES OF THE OPERATING ENGINEERS)
PENSION TRUST, TRUSTEES OF THE)
OPERATING ENGINEERS HEALTH AND)
28 WELFARE FUND, TRUSTEES OF THE)
OPERATING ENGINEERS JOURNEYMAN)

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AND APPRENTICE TRAINING TRUST and)
TRUSTEES OF THE OPERATING ENGINEERS)
VACATION-HOLIDAY SAVINGS TRUST,)
Counterclaim Defendants.)

**ORDER GRANTING DEFENDANTS'
MOTION FOR A PRELIMINARY INJUNCTION**

Presently before the Court is Defendants SEQUOIA ELECTRIC, LLC, SEQUOIA ELECTRIC UNDERGROUND, LLC, and BLAKE BARSY d/b/a SEQUOIA ELECTRIC COMPANY's Emergency Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. #27) filed on or about February 24, 2012. Plaintiffs filed an Opposition on or about March 09, 2012 (Doc. #29). Defendants filed a Reply on or about March 13, 2012 (Doc. #31).

The Court DENIED Defendants' Motion for a Temporary Restraining Order on or about February 28, 2012 (Doc. #28). The Court then set Defendants' Motion for a Preliminary Injunction on calendar for a hearing on March 16, 2012.

On or about March 16, 2012 at 11:00 a.m., the Motion came for a hearing before the Honorable James C. Mahan.

Upon hearing the oral arguments of counsel, and considering the pleadings on file in the present case, the Court GRANTS Defendants' Motion for a Preliminary Injunction as follows:

- (1) Pursuant to FRCP 65, Defendant Blake Barsy d/b/a Sequoia Electric Company shall post security in the amount of \$718,380.06 into a blocked account. The monies located in this blocked account shall not be removed without a Court Order. Said blocked account will be opened / maintained at the Citibank branch located at 3900 Paradise Road, Suite 127, Las Vegas, NV 89169.
- (2) Once said security has been deposited into the blocked account, and proof of same has been furnished to counsel for Plaintiffs, Defendants shall be removed from the Delinquent Contractors' List maintained by Plaintiffs. Plaintiffs shall also, upon inquiry by any entity, inform said entity that Defendants are no longer delinquent.

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- 1 (3) During the pendency of this case, Defendants Sequoia Electric, LLC. and Blake
2 Barsy d/b/a Sequoia Electric Company shall continue to make their contributions
3 to Plaintiffs per the rates / terms of the Master Labor Agreement dated July 01,
4 2007.
- 5 (4) During the pendency of this case, any Defendant that is a non-signatory to the
6 Master Labor Agreement, and whose status as an alter-ego of the signatory
7 companies is in dispute as a result of this litigation, shall make contributions into
8 the blocked account for any of its employees performing operating engineers'
9 work. Said contributions / rates shall be those laid-out in the Master Labor
10 Agreement dated July 01, 2007.
- 11 (5) So long as Defendants continue to comply with subsections 3 and 4 of this Order
12 during the pendency of this case, Defendants shall not be placed on the Delinquent
13 Contractors List.

14 **ORDER**


15 **IT IS SO ORDERED.**


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17 DATED May 7, 2012.

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19 
20 UNITED STATES DISTRICT JUDGE

21 Submitted by:
22 WRIGHT & WEINER, LTD.

23 Approved as to form and content:
24 LAQUER, URBAN, CLIFFORD & HODGE

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