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7 Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 TRUSTEES OF THE CONSTRUCTION
 11 INDUSTRY AND LABORERS HEALTH
 AND WELFARE TRUST; TRUSTEES OF
 12 THE CONSTRUCTION INDUSTRY AND
 LABORERS JOINT PENSION TRUST;
 13 TRUSTEES OF THE CONSTRUCTION
 INDUSTRY AND LABORERS VACATION
 14 TRUST; AND THE TRUSTEES OF THE
 SOUTHERN NEVADA LABORERS LOCAL
 15 872 TRAINING TRUST,

CASE NO.: 2:12-cv-00644-KJD-RJJ

16 Plaintiffs,

17 v.

18 PEEK CONSTRUCTION COMPANY, a
 19 Nevada corporation, et al.,

STIPULATED/CONSENT JUDGMENT

20 Defendants.
21

22 Peek Construction Company, a Nevada corporation ("Peek"), hereby stipulates and
 23 consents to entry of judgment in favor of Plaintiffs, Trustees of the Construction Industry and
 24 Laborers Health and Welfare Trust, Trustees of the Construction Industry and Laborers Joint
 25 Pension Trust, Trustees of the Construction Industry and Laborers Vacation Trust, and Trustees
 26 of the Southern Nevada Laborers Local 872 Training Trust (collective "Trust Funds"), and
 27 against Peek in the total sum of \$132,147 for delinquent employee benefit contributions and
 28

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1 related costs and fees owed under the Employee Retirement Income Security Act of 1974
2 (“ERISA”).

3 The parties have stipulated and therefore the Court finds:

4 1. Peek is signatory to and bound by the terms of a collective bargaining agreement
5 (“CBA”) with the Laborers International Union of North America, Local No. 872 (“Union”), in
6 which Peek agreed to abide by the trust agreements establishing the respective Trust Funds and
7 any amendments thereto (“Trust Agreements”).

8 2. Under the CBA and the Trust Agreements, Peek is obligated to pay employee
9 benefit contributions to the Trust Funds on behalf of Peek’s bargaining unit employees
10 represented by the Union.

11 3. Based on a contract compliance review (“Audit”) for the period of April 1, 2010
12 through May 31, 2012, Peek owes the Trust Funds \$132,147, which includes employee benefit
13 contributions, liquidated damages, interest, audit fees and attorneys’ fees to date.

14 4. This Stipulated/Consent Judgment is entered by and between Peek and the Trust
15 Funds for employee benefit contributions and related costs owed to the Trust Funds by ERISA.

16 Dated: ~~November~~ ^{December 14}, 2012

17 Dated: ~~November~~ ^{Dec} 11, 2012

18 BROWNSTEIN HYATT FARBER
19 SCHRECK, LLP

20 PEEK CONSTRUCTION COMPANY, a
21 Nevada corporation

22 Adam P. Segal, Esq.
23 Clark V. Vellis, Esq.
24 Bryce C. Loveland, Esq.
25 100 North City Parkway, Suite 1600
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27 Attorneys for Plaintiffs

28 Michael Paul
Name: Michael Paul
Title: President
Telephone: _____
Facsimile: _____

JUDGMENT

Judgment is hereby entered against Peek Construction Company, a Nevada corporation and in favor of the Trustees of the Construction Industry and Laborers Health and Welfare Trust, Trustees of the Construction Industry and Laborers Joint Pension Trust, Trustees of the Construction Industry and Laborers Vacation Trust, and Trustees of the Southern Nevada Laborers Local 872 Training Trust in the amount of \$132,147.

Dated this 18 day of December, 2012.



U.S. DISTRICT COURT JUDGE

BROWNSTEIN HYATT FARBER SCHRECK, LLP
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Las Vegas, NV 89106-4614
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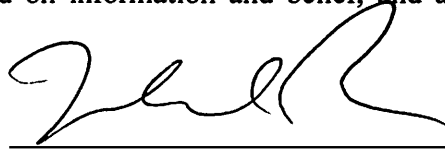
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STATE OF NEVADA)
COUNTY OF Clark) SS.

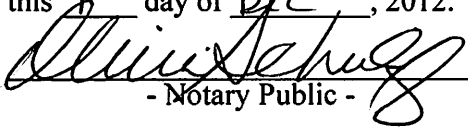
MICHAEL Peek, being first duly sworn, deposes and says:

That he/~~she~~ is the President of Peek Construction Company, a Nevada corporation, and is duly authorized to execute this document; that he/she has read the foregoing Stipulated/Consent Judgment and knows the contents thereof; that the same is true of his/her own knowledge, except for those matters therein stated on information and belief, and as to those matters he/she believes them to be true.



Affiant

Subscribed and Sworn to before me
this 11th day of Dec, 2012.


- Notary Public -

My commission expires:

