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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRUSTEES OF THE CEMENT MASONS
AND PLASTERERS HEALTH AND
WELFARE TRUST; TRUSTEES OF THE
CEMENT MASONS AND PLASTERERS
JOINT PENSION TRUST; TRUSTEES OF
THE CEMENT MASONS AND
PLASTERERS VACATION SAVINGS
PLAN TRUST; AND TRUSTEES OF THE
CEMENT MASONS AND PLASTERERS
JOINT APPRENTICESHIP TRAINING
TRUST,

Plaintiffs,

vs.

PEEK CONSTRUCTION COMPANY, a
Nevada corporation; PEEK
CONSTRUCTION COMPANY, a Nevada
corporation doing business as EL CAMINO
CONSTRUCTION CO., INC.; and
WILLIAMS BROTHER INC., a Nevada
corporation.

Defendants.

Case No.: 2:12-cv-00786-GMN-CWH

STIPULATED/CONSENT JUDGMENT

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106-4614
(702) 382-2101

1 Defendants Peek Construction Company, a Nevada Corporation (“Peek”) and Williams
2 Brother, Inc., a Nevada corporation (“Williams”) (collectively referred to as “Defendants”),
3 hereby stipulate and consent to entry of judgment in favor of Plaintiffs, Trustees of the Cement
4 Masons and Plasterers Health and Welfare Trust, Trustees of the Cement Masons and Plasterers
5 Joint Pension Trust, Trustees of the Cement Masons and Plasterers Vacation Savings Plan Trust,
6 and Trustees of the Cement Masons and Plasterers Joint Apprenticeship Training Trust
7 (collectively referred to as “Trust Funds”), and against Peek for the total sum of \$8,746 for audit
8 fees and attorneys’ fees, and against Williams for the total sum of \$71,569 for delinquent
9 employee benefit contributions and related costs and fees owed under the Employee Retirement
10 Income Security Act of 1974 (“ERISA”).

11 The parties have stipulated and therefore the Court finds:

12 1. Defendants are signatory to and bound by the terms of a collective bargaining
13 agreement (“CBA”) with the Operative Plasterers and Cement Masons International Association
14 Local No. 797 (“Union”), in which the Defendants agreed to abide by the trust agreements
15 establishing the respective Trust Funds and any amendments thereto (“Trust Agreements”).

16 2. Under the CBA and the Trust Agreements, the Defendants are obligated to pay
17 employee benefit contributions to the Trust Funds on behalf of the Defendants’ bargaining unit
18 employees represented by the Union.

19 3. Based on a contract compliance review (“Audit”) for the period of April 1, 2010,
20 through May 31, 2012, Peek owes the Trust Funds \$8,746 for Audit fees and attorneys’ fees.

21 4. Based on Audits for the time period of August 8, 2006, through May 31, 2012,
22 Williams owes the Trust Funds \$71,569 in employee benefit contributions, fees, interest and
23 liquidated damages to date.
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5. This Stipulated/Consent Judgment is entered into by and between the Defendants and the Trust Funds for employee benefit contributions and related costs and fees owed to the Trust Funds by ERISA.

December 14
Dated: ~~November~~ __, 2012

December 11
Dated: ~~November~~ __, 2012

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

PEEK CONSTRUCTION COMPANY, a
Nevada corporation

[Signature]

[Signature]

Adam P. Segal, Esq.
Clark V. Vellis, Esq.
Bryce C. Loveland, Esq.
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106-4614

Name: Michael Pech

Title: President

Telephone: _____

Attorneys for Plaintiffs

Facsimile: _____

Dec
Dated: ~~November~~ 11, 2012

WILLIAMS BROTHER, INC., a Nevada
corporation

[Signature]

Name: Michael Pech

Title: President

Telephone: _____

Facsimile: _____

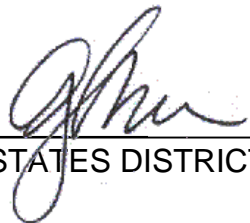
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JUDGMENT

Judgment is hereby entered against Peek Construction Company, a Nevada corporation in the amount of \$8,746 and judgment is hereby entered against Williams Brother, Inc., a Nevada corporation in the amount of \$71,569 in favor of the Trustees of the Cement Masons and Plasterers Health and Welfare Trust, Trustees of the Cement Masons and Plasterers Joint Pension Trust, Trustees of the Cement Masons and Plasterers Vacation Savings Plan Trust, and Trustees of the Cement Masons and Plasterers Joint Apprenticeship Training Trust.

Dated this 17th day of December, 2012.



UNITED STATES DISTRICT JUDGE

BROWNSTEIN HYATT FARBEN SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106-4614
(702) 382-2101

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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 Pres. of Peek Construction Company, a Nevada Corporation, and Williams Brother, Inc., 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 15th day of Dec, 2012.


- Notary Public -

My commission expires: _____

