

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (CINCINNATI)**

BOARD OF TRUSTEES of the PLUMBERS, )  
PIPEFITTERS & MECHANICAL )  
EQUIPMENT SERVICE, LOCAL UNION )  
NO. 392 PENSION FUND; BOARD OF )  
TRUSTEES of the PLUMBERS, PIPEFITTERS )  
& MECHANICAL EQUIPMENT SERVICE, )  
LOCAL UNION NO. 392 HEALTH & )  
WELFARE FUND; BOARD OF TRUSTEES )  
of the PLUMBERS, PIPEFITTERS & )  
MECHANICAL EQUIPMENT SERVICE, )  
LOCAL UNION NO. 392 SUB FUND; BOARD )  
OF TRUSTEES of the PLUMBERS, )  
PIPEFITTERS & MECHANICAL EQUIPMENT )  
SERVICE, LOCAL UNION NO. 392 )  
EDUCATION TRUST FUND; BOARD OF )  
TRUSTEES of the CINCINNATI PLUMBING )  
AND PIPE FITTING INDUSTRY PROMOTION )  
TRUST FUND; and PLUMBERS, PIPEFITTERS )  
& MES, LOCAL UNION NO. 392 U.A., )

Case No. 1:09CV748

District Judge Michael Barrett

Plaintiffs, )

vs. )

KENNETH R. ROGERS PLUMBING )  
AND HEATING COMPANY, INC., )  
an Ohio Corporation; and ROGERS )  
PLUMBING AND MECHANICAL, LLC, an )  
Ohio Limited Liability Company; )

Defendants. )

**STIPULATED FINAL JUDGMENT ORDER**

Final Judgment is hereby entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING AND HEATING COMPANY, INC., (“KENNETH R. ROGERS PLUMBING”) and ROGERS PLUMBING AND MECHANICAL, LLC (“ROGERS PLUMBING AND MECHANICAL”) as follows:

1. Final Judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the aggregate amount of \$132,905.90;
  - A. Final Judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the amount of \$47,399.09 for all unpaid contributions as revealed by the audit of April 1, 2010;
  - B. Final judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the amount of \$60,102.16 for all unpaid contributions for the months of March, April and May of 2010;
  - C. Final judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the amount of \$4,088.27 for all check-off deductions for the months of July and August of 2009;
  - D. Final judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the amount of \$1,359.96 for all contributions owed to the PLUMBERS, PIPEFITTERS & MECHANICAL EQUIPMENT SERVICE, LOCAL UNION NO. 392 EDUCATION TRUST FUND (“EDUCATION FUND”) and CINCINNATI PLUMBING AND PIPE FITTING INDUSTRY PROMOTION TRUST FUND (“INDUSTRY FUND”) for the months of

July and August of 2009;

E. Final judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the amount of \$14,300.26 for all unpaid liquidated damages for the time period of February 2009 through present;

F. Final judgment is entered in favor of Plaintiffs and against Defendants KENNETH R. ROGERS PLUMBING and ROGERS PLUMBING AND MECHANICAL, jointly and severally, in the amount of \$5,656.16 for attorney's fees and costs incurred by the Plaintiffs in bringing this suit pursuant to the Collective Bargaining Agreement, Trust Agreements, and 29 U.S.C. §1132(g)(2)(D); and

2. That Plaintiffs have such other and further relief as the Court may deem just and equitable all at the Defendant's cost pursuant to 29 U.S.C. §1132(g)(2)(E).

ORDERED BY:

*s/Michael R. Barrett*  
UNITED STATES DISTRICT JUDGE

Dated: July 13, 2010

**Agreed and So Stipulated:**

/s/ Dennis R. Johnson  
Trial Counsel for Plaintiffs

July 8, 2010  
Date

/s/ Michael W. Hawkins  
Defendants' Attorney

July 9, 2010  
Date