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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARDS OF TRUSTEES OF THE
NORTHWEST IRONWORKERS HEALTH
AND SECURITY FUND, NORTHWEST
IRONWORKERS RETIREMENT TRUST,
NORTHWEST FIELD IRONWORKERS
ANNUITY TRUST FUND, NORTHWEST
IRONWORKERS EMPLOYERS
VACATION TRUST, NORTHWEST
IRONWORKERS & EMPLOYERS
APPRENTICESHIP & TRAINING TRUST
FUND.

Plaintiffs,

v.

WESTERN REBAR CONSULTING INC.,
d/b/a WESTERN INDUSTRIES, INC., and
DUANE MAY JR. and BETSY MAY, and
the martial community jointly and severally,

Defendants.

CASE NO. 2:18-cv-00486-RAJ-BAT

ORDER

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida,
United States Magistrate Judge, any objections or responses to that, and the remaining record,
the Court finds and **ORDERS**:

- (1) The Court **ADOPTS** the Report and Recommendation.

1 (2) Plaintiffs' motion for summary judgment (Dkt. 52) is **GRANTED**; Defendants'
2 cross-motion for summary judgment (Dkt. 55) is **DENIED**.

3 (3) Judgment shall be entered in favor of Plaintiffs against Defendant Western Rebar
4 Consulting, Inc. d/b/a Western Industries, Inc., for unpaid contributions of \$92,014.36 for the
5 Audit period of June 1, 2016 through June 30, 2018, minus \$3,312.62 identified as overpayments
6 in the audit for pension, annuity and apprenticeship funds; \$32,695.55 in liquidated damages;
7 \$60,117.661 in interest (through May 15, 2021); and \$16,006.85 in accounting fees.

8 (4) Judgment shall be entered in favor of Plaintiffs against Defendants Duane May,
9 Jr. and Betsy May, jointly and severally, and their marital community, for a portion of the above
10 contributions consisting of \$4,264.23 in vacation/PTO contributions, withheld from employee
11 paychecks; Liquidated damages of \$750.00; and Interest of \$316.95.

12 (5) Ironworkers shall submit a motion for their attorney fees, along with an updated
13 interest calculation within **ten (10) days** of this Order.

14 (6) The Clerk is directed to send copies of this Order to the parties and to Judge
15 Tsuchida.

16 Dated this 8th day of June, 2022.

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19 The Honorable Richard A. Jones
20 United States District Judge
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