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HONORABLE KAREN L. STROMBOM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EMPLOYEE PAINTERS' TRUST HEALTH &
WELFARE FUND; WESTERN
WASHINGTON PAINTERS DEFINED
CONTRIBUTION PENSION TRUST;
DISTRICT COUNCIL NO. 5
APPRENTICESHIP AND TRAINING TRUST
FUND; WESTERN WASHINGTON
PAINTERS LABOR MANAGEMENT
COOPERATION TRUST; INTERNATIONAL
UNION OF PAINTERS AND ALLIED
TRADES INDUSTRY PENSION FUND; and
INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES DISTRICT COUNCIL
NO. 5,

Plaintiffs,

vs.

STEVEN RAY FREEMIRE and JOAN MARIE
FREEMIRE, husband and wife and the marital
community comprised thereof; and PICTURE
PERFECT PAINTING, INC., a Washington
corporation,

Defendants.

CASE NO.: 3:11-cv-05456-KLS

ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT

ORDER GRANTING PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT (3:11-cv-05456-KLS)
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I.

JUDGMENT SUMMARY

1. Judgment Creditors: Employee Painters’ Trust Health & Welfare Fund; Western Washington Painters Defined Contribution Pension Trust; District Council No. 5 Apprenticeship and Training Trust Fund Western Washington Painters Labor Management Cooperation Trust; International Union of Painters and Allied Trades Industry Pension Fund; International Union Of Painters And Allied Trades District Council No. 5

2. Judgment Debtors: Picture Perfect Painting, Inc.; Joan Marie Freemire; Steven Ray Freemire

3. Judgment Amount: \$120,093.61

Consisting of the following amounts

- a. Contributions: \$73,602.22
- b. Liquidated Damages: \$18,794.41
- c. Accrued Interest: \$5,608.47
- d. Audit Costs: \$2,549.00
- e. Attorney’s Fees & Costs: \$19,539.51

4. Judgment Amount shall bear interest at 12% per annum

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5. Attorneys for Judgment Creditors: CHRISTENSEN JAMES & MARTIN
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6. Attorneys for Judgment Debtors: LAW OFFICE OF MARK B. MOBURG
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II.

ORDER

Pursuant to the Plaintiffs’ Motion for Summary Judgment [Doc. 18], and the Court
having considered Plaintiffs’ Motion and supporting papers, with Exhibits 1 – 6 and supporting

1 declarations, defendants' opposition (if any), and the Plaintiffs' reply, as well as the pleadings,
2 files and records in this matter, and the Court otherwise being generally advised, it is hereby

3 **ORDERED** that the Plaintiffs' Motion for Summary Judgment is granted. The Plaintiffs
4 shall be awarded a Judgment against Defendants Picture Perfect Painting, Inc., Joan Marie
5 Freemire and Steven Ray Freemire (collectively "Defendants") in the amount of \$120,093.61 as
6 outlined in judgment summary item no. 3, above, which represent contributions covering the
7 period September 2009 through September 2012 in the amount of \$73,602.22; liquidated
8 damages in the amount of \$18,794.41; prejudgment accrued interest in the amount of \$5,608.47;
9 audit costs in the amount of \$2,549.00; and attorney's fees and costs in the amount of
10 \$19,539.51, for a total amount owing of \$120,093.61.

11 **IT IS FURTHER ORDERED** that this Judgment shall accrue interest on the total
12 unpaid balance of the Judgment at the rate of 12% per annum, pursuant to the terms of the Trust
13 Agreements to which the defendants are bound.

14 Dated this 28th day of December, 2012.

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17 Karen L. Strombom
18 United States Magistrate Judge

19
20 Submitted by:
21 CHRISTENSEN JAMES & MARTIN
22 /s/ Evan L. James
Evan L. James, Esq.

23 ORDER GRANTING PLAINTIFFS' MOTION FOR
24 SUMMARY JUDGMENT (3:11-cv-05456-KLS)
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23 ORDER GRANTING PLAINTIFFS' MOTION FOR
24 SUMMARY JUDGMENT (3:11-cv-05456-KLS)
25 Page 5

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2012, I personally transmitted the foregoing Proposed Order Granting Plaintiffs' Motion for Summary Judgment, to the party set forth below pursuant to the authorization granted by F.R.C.P. 5(b)(E):

MARK B. MOBURG
mark@moburglaw.com

Christensen James & Martin

By: /s/ Evan L. James
Evan L. James

ORDER GRANTING PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT (3:11-cv-05456-KLS)
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