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DOC # 0655455
09/19/2005 02:43 PM Deputy: KLJ
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JENKINS & CARTER

APN # 1220-01-001-063

Douglas County - NV
Werner Christen - Recorder
Page: 1 Of 4 Fee: 17.00
BK-0905 PG- 6778 RPTT: 0.00

Recording Requested by:



Name Jenkins & Carter

Address 501 Hammill Lane

(for Recorder's use only)

City/State/Zip Reno, NV 89511-1004

Judgment

(Title of Document)

**This page added to provide additional information required by NRS 111.312 Sections 1-2.
(Additional recording fee applies)**

This cover page must be typed or printed.

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6 Attorneys for Plaintiff

U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
AUG 31 2005
CLERK, U.S. DISTRICT COURT
BY _____ DEPUTY

U.S. DISTRICT COURT
DISTRICT OF NEVADA
ENTERED & SERVED
SEP - 1 2005
CLERK, U.S. DISTRICT COURT
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

9 TRUSTEES of the NORTHERN NEVADA
10 OPERATING ENGINEERS HEALTH &
11 WELFARE TRUST FUND, et al.,

Case No. CV-N-05-0255-HDM-VPC

11 Plaintiffs,

12 vs.

JUDGMENT

13 TILLACK SWEEPING, INC., a Nevada
14 corporation; RUSSELL F. TILLACK;
15 DOES 1 -100; and BLACK AND WHITE
16 COMPANIES 101-200,

Defendants.

17 Defendants Tillack Sweeping, Inc., a Nevada Corporation ("Tillack Sweeping"), and
18 Russell F. Tillack ("Mr. Tillack") (collectively, "Defendants"), having been regularly served with
19 Summons and Plaintiffs' Complaint and having failed to appear and answer Plaintiff's
20 Complaint, the legal time for answering having expired, and no answer or demurrer having been
21 filed, the default of said Defendant having been duly entered according to law; upon application
22 of said Plaintiffs, Judgment is hereby entered against said Defendants, jointly and severally,
23 pursuant to the prayer of Plaintiff's Complaint.

24 WHEREFORE, by virtue of the law and by reason of the moving papers, IT IS
25 ORDERED, ADJUDGED, AND DECREED, that said Plaintiffs shall recover from said
26 Defendant the sum of \$8,595.88, consisting of delinquent fringe benefit contributions in the
27 amount of \$3,122.01, interest in the amount of \$262.27, liquidated damages in the amount of
28

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1 \$1,706.59, costs and disbursements incurred in this action in the amount of \$541.01, and a
2 reasonable attorney's fee in the amount of \$2,964.00, together with post-judgment interest
3 thereon at the statutory rate from the date hereof until paid.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall,
5 within twenty (20) days from the date of this order, submit accurate and fully-paid employer
6 contribution reports for the months of November 2004 through the present, and shall pay
7 Plaintiffs the amount of any delinquency in fringe benefit contributions, plus interest and
8 liquidated damages assessed pursuant to Defendants' collective bargaining agreements and
9 Plaintiffs' Trust Agreements. Thereafter, Defendants shall timely submit accurate and fully-paid
10 employer contribution reports for all subsequent months for which Defendants' collective
11 bargaining agreements require defendants to do so. In the event Defendants fail to submit full
12 payment with each of the monthly employer contribution reports described above, such unpaid
13 amount, together with the interest and liquidated damages assessed pursuant to Defendants'
14 collective bargaining agreements and Plaintiffs' Trust Agreements and all resulting attorneys'
15 fees and costs incurred by Plaintiffs shall be deemed to be added to the amount of this Judgment.

16 AND IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant,
17 upon ten (10) days' written notice from Plaintiffs, shall provide unfettered audit entry to
18 Plaintiffs so that Plaintiffs' auditor may determine the exact amounts owed by Defendants for the
19 audit period August 1, 2000 through August 31, 2005 (the "Audit Period"). Defendants shall
20 produce to Plaintiffs' auditor all of the following documents related to the Audit Period: (a)
21 Individual Earnings Records (compensation); (b) W-2 forms; (c) 1069 and 1099 forms; (d)
22 reporting forms for all Trust Funds; (e) State tax reports; (f) workers compensation insurance
23 reports; (g) employee time cards; (h) payroll journals; (i) quarterly payroll tax returns; (j) check
24 registers and supporting cash vouchers; (k) Form 1120-1140 or partnership tax returns; (l)
25 general ledger; and (m) all other documents requested by the Trust Fund's auditor. Within ten
26 (10) days of the issuance of the auditor's report, Defendants shall pay Plaintiffs the full amount
27 of all delinquent fringe benefit contributions, interest, liquidated damages, and the cost of the
28 audit in the amounts determined by the payroll audit. In the event Defendants fail to pay



1 Plaintiffs the full amount of all delinquent fringe benefit contributions, interest, liquidated
2 damages, and the cost of the audit in the amounts determined by the payroll audit, then such
3 unpaid amounts, together with all resulting attorneys' fees and costs incurred by Plaintiffs shall
4 be deemed to be added to the amount of this Judgment.

5 JUDGMENT RENDERED: August 31, 2005.

6
7 Howard O. Webb
8 UNITED STATES DISTRICT COURT JUDGE

9
10 Submitted by:
11 Jenkins & Carter
12 Attorneys for Plaintiffs

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Clerk, United States District Court

By Susan Anderson
Deputy Clerk

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