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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION**

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\* \* \*

14 BOARDS OF TRUSTEES OF THE  
ROOFERS LOCAL 27 HEALTH AND  
15 WELFARE TRUST FUND, NATIONAL  
ROOFING INDUSTRY PENSION PLAN,  
16 ROOFERS LOCAL 27, FRESNO ROOFING  
CONTRACTORS VACATION FUND, and  
17 ROOFERS LOCAL 27 APPRENTICESHIP  
TRAINING FUND,

Case No. 1:13-CV-01660-AWI-MJS

**STIPULATION AND ORDER FOR  
PLAINTIFFS TO FILE SECOND  
AMENDED COMPLAINT**

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Plaintiffs,

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v.

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21 FRYER ROOFING CO., INC., a California  
corporation; DAVID BRUCE FRYER;  
LEIGH ANN FRYER; INTERNATIONAL  
22 FIDELITY INSURANCE COMPANY; and  
DOES 1 through 50, inclusive,

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Defendants.

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Plaintiffs Board of Trustees of the Roofers Local 27 Health and Welfare Trust Fund,

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National Roofing Industry Pension Plan, Roofers Local 27, Fresno Roofing Contractors Vacation

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Fund and Roofers Local 27 Apprenticeship Training Fund (collectively, "Plaintiffs") and

TUCKER, CHIU,  
HEBESHA & WARD PC  
5260 N. PALM AVE., STE. 205  
FRESNO, CA 93704

1 defendants Fryer Roofing Co. Inc., David Bruce Fryer, Leigh Ann Fryer, International Fidelity  
2 Insurance Company and Old Republic Surety Company (collectively, "Defendants") hereby  
3 stipulate to the following:

4 **STIPULATION**

5 1. The First Amended Complaint on file herein seeks, among other things,  
6 delinquent fringe benefit contributions and related damages for the months of August 2013,  
7 September 2013, November 2013, December 2013 and January 2014.

8 2. At the time the First Amended Complaint was filed, the fringe benefit  
9 contributions for February 2014 and onward had not become due.

10 3. Plaintiffs contend that, at the present time, Fryer Roofing is likewise delinquent  
11 on its fringe benefit contributions for the months of February 2014, March 2014 and April 2014.

12 4. Plaintiffs also wish to correct an omission, whereby the header of their Fourth  
13 Claim for Relief (Claim Upon Contractor's License Bond) omits defendant Old Republic Surety  
14 Company, although the body of the Claim expressly references that Defendant.

15 5. Without any admission of liability on the parts of Defendants herein, the Parties  
16 agree that Plaintiffs shall be permitted to file a Second Amended Complaint, as described above.

17 The Parties therefore respectfully request that the Court issue an Order pursuant to this  
18 Stipulation, for Plaintiffs to file a Second Amended Complaint comprising the additional  
19 allegations above by July 31, 2014.

20 Dated: July 8, 2014. TUCKER, CHIU, HEBESHA & WARD

21  
22 By /s/ Henry Y. Chiu  
HENRY Y. CHIU  
23 Attorney for Plaintiffs

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25 Dated: July 8, 2014. MOTSCHIEDLER, MICHAELIDES & WISHON

26  
27 By /s/Justin D. Harris  
JUSTIN D. HARRIS  
28 Attorney for Defendants

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**ORDER**

For all of the reasons recited by the Parties in the Stipulation above, the Court hereby grants Plaintiffs leave to file a Second Amended Complaint, as described above, by July 31, 2014.

IT IS SO ORDERED.

Dated: July 18, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE