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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TRUSTEES OF THE OPERATING ENGINEERS PENSION TRUST,  
TRUSTEES OF THE OPERATING ENGINEERS HEALTH AND  
WELFARE FUND, TRUSTEES OF THE OPERATING ENGINEERS  
VACATION-HOLIDAY SAVINGS TRUST and TRUSTEES OF THE  
OPERATING ENGINEERS JOURNEYMAN AND APPRENTICE TRAINING TRUST  
v. PLAINTIFF(S)

CASE NUMBER

LACV03-6605 CBM (RLX)

JOHN RUFF, an individual, doing business as RUFF  
SERVICES

DEFENDANT(S).

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
WARREN S. SNIDER, whose address is:

LAQUER, URBAN, CLIFFORD & HODGE LLP  
225 SOUTH LAKE AVENUE  
SUITE 200  
PASADENA, CALIFORNIA 91101  
TELEPHONE: (626) 449-1882  
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an answer to the  complaint  \_\_\_\_\_ amended compliant  counterclaim  cross-claim  
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief  
demanded in the complaint.

Clerk, U.S. District Court

Dated: 09/15/2003

By: Terry R. Baber

Deputy Clerk

(Seal of the Court)

1 LAQUER, URBAN, CLIFFORD & HODGE LLP  
2 Warren S. Snider, State Bar Number 136968  
3 225 South Lake Avenue, Suite 200  
4 Pasadena, California 91101-3030  
Telephone: (626) 449-1882  
Facsimile: (626) 449-1958

7003 SEP 15 PM 2:43

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: \_\_\_\_\_

5 Counsel for Plaintiffs,  
6 Trustees of the Operating Engineers  
7 Pension Trust, et al.

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 MACV03, 6805 CBM (RLX)

13 TRUSTEES OF THE OPERATING ENGINEERS	)	CASE NO.
14 PENSION TRUST, TRUSTEES OF THE	)	
15 OPERATING ENGINEERS HEALTH AND WELFARE	)	COMPLAINT FOR
16 FUND, TRUSTEES OF THE OPERATING	)	BREACH OF CONTRACT
17 ENGINEERS VACATION-HOLIDAY SAVINGS	)	
18 TRUST and TRUSTEES OF THE OPERATING	)	[29 U.S.C. § 185(a)
19 ENGINEERS JOURNEYMAN AND APPRENTICE	)	and § 1132(e)]
20 TRAINING TRUST,	)	
	)	
21 Plaintiffs,	)	
	)	
22 vs.	)	
	)	
23 JOHN RUFF, an individual, doing	)	
24 business as RUFF SERVICES,	)	
	)	
25 Defendant.	)	

24 Plaintiffs, TRUSTEES OF THE OPERATING ENGINEERS PENSION TRUST,  
25 TRUSTEES OF THE OPERATING ENGINEERS HEALTH AND WELFARE FUND,  
26 TRUSTEES OF THE OPERATING ENGINEERS VACATION-HOLIDAY SAVINGS TRUST  
27 and TRUSTEES OF THE OPERATING ENGINEERS JOURNEYMAN AND APPRENTICE  
28 TRAINING TRUST complain and allege:

COPY

1  
2 1. This Court has jurisdiction of this case under § 301(a)  
3 of the Labor-Management Relations Act of 1947, as amended [29  
4 U.S.C. § 185(a)] and § 502(e) of the Employee Retirement Income  
5 Security Act of 1974, as amended [29 U.S.C. § 1132(e)].

6 2. Plaintiffs are the Trustees of the Operating Engineers  
7 Pension Trust, Operating Engineers Health and Welfare Fund,  
8 Operating Engineers Vacation-Holiday Savings Trust and Operating  
9 Engineers Journeyman Apprentice Training Trust (hereinafter  
10 collectively "Trusts"). The Trusts are express trusts created  
11 pursuant to written declarations of trust (hereinafter "Trust  
12 Agreements") between the International Union of Operating  
13 Engineers, Local Union No. 12 (hereinafter "Local 12"), and various  
14 employer associations in the construction industry in Southern  
15 California and Southern Nevada. The Trusts were created and now  
16 exist pursuant to § 302(c) of the Labor-Management Relations Act of  
17 1947, as amended [29 U.S.C. § 186(c)].

18 3. At all times material herein, Local 12 has been a labor  
19 organization representing employees in the building and  
20 construction industry in Southern California and Southern Nevada,  
21 and a labor organization representing employees in an industry  
22 affecting commerce within the meaning of § 301(a) of the Labor-  
23 Management Relations Act of 1947, as amended [29 U.S.C. § 185(a)].

24 4. The plaintiffs are informed and believe, and thereon  
25 allege, that at all times material herein John Ruff (hereinafter  
26 "Ruff"), has been an individual doing business as Ruff Services  
27 with his principal place of business located in Cerritos,  
28 California.

1  
2 8. The plaintiffs are informed and believe, and thereon  
3 allege, that Ruff has failed to pay fringe benefit contributions  
4 and/or contract damages as required by the Master Agreement. Due  
5 to Ruff's refusal to submit his monthly reports, the exact amount  
6 of contributions and/or contract damages due and owing has not been  
7 ascertained at this time. These amounts will be established by  
8 proof at the trial herein. The amounts are due and payable at the  
9 Trusts' administrative offices in Pasadena, California.

10 9. By the Master Agreement and Title 29 U.S.C. § 1132(g)(2),  
11 Ruff agreed that in the event he failed to pay contributions or  
12 contract damages when due, Ruff would be considered delinquent with  
13 the Trusts and would pay the Trusts the sum of \$25.00 per month,  
14 ten percent (10%) of the total amount then due, or interest on the  
15 amount due at the rates established pursuant to Title 26 U.S.C. §  
16 6621 from the due date, whichever is greater, as liquidated damages  
17 for each delinquency. The plaintiffs are informed and believe, and  
18 thereon allege, that liquidated damages are due to the Trusts by  
19 Ruff in an amount to be established by proof at the trial herein.

20 10. By the Master Agreement and Trust Agreements, Ruff also  
21 agreed that in the event of any delinquency, he would pay legal and  
22 auditing costs in connection therewith, whether incurred before or  
23 after litigation is commenced.

24 11. It has been necessary for the Trusts to engage the law  
25 firm of Laquer, Urban, Clifford & Hodge LLP for the purpose of  
26 collecting said contributions and damages, and the Trusts are  
27 entitled to their reasonable attorney's fees in connection  
28 therewith.

1  
2 12. Pursuant to Title 29 U.S.C. § 1132(g)(2), Ruff owes the  
3 Trusts interest, at the rates established pursuant to Title 26  
4 U.S.C. § 6621, on all unpaid contributions from the dates the sums  
5 were originally due to the Trusts to the date of judgment. The  
6 amount of said interest will be established by proof at trial.

7 WHEREFORE, the Trusts pray for judgment against John Ruff, an  
8 individual, and doing business as Ruff Services, as follows:

- 9 1. For unpaid fringe benefit contributions in amounts as  
10 proved;
- 11 2. For damages for breach of contract in amounts as proved;
- 12 3. For liquidated damages in amounts as proved;
- 13 4. For audit expenses in amounts as proved;
- 14 5. For interest at the rates established by Title 26 U.S.C.  
15 § 6621 on all fringe benefit contributions and/or damages from due  
16 dates;
- 17 6. For the Trusts' attorney's fees and costs of suit  
18 incurred herein; and
- 19 7. For such additional relief as this Court deems just and  
20 proper.

21  
22 Dated: September 10, 2003

LAQUER, URBAN, CLIFFORD & HODGE LLP

23  
24 By: Warren S. Snider  
25 Warren S. Snider  
26 Counsel for Plaintiffs,  
27 Trustees of the Operating Engineers  
28 Pension Trust, et al.

1 LAQUER, URBAN, CLIFFORD & HODGE LLP  
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2003 SEP 15 PM 2:44

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

5 Counsel for Plaintiffs,  
6 Trustees of the Operating Engineers  
Pension Trust, et al.

BY: \_\_\_\_\_

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 LACV03-6605

13 **CBM (RLX)**

14 TRUSTEES OF THE OPERATING ENGINEERS )  
15 PENSION TRUST, TRUSTEES OF THE )  
16 OPERATING ENGINEERS HEALTH AND WELFARE )  
17 FUND, TRUSTEES OF THE OPERATING )  
18 ENGINEERS VACATION-HOLIDAY SAVINGS )  
19 TRUST and TRUSTEES OF THE OPERATING )  
20 ENGINEERS JOURNEYMAN AND APPRENTICE )  
21 TRAINING TRUST, )

CASE NO. **CBM (RLX)**  
CERTIFICATE AS TO  
INTERESTED PARTIES  
REQUIRED BY RULE 83-1.5

18 Plaintiffs,

19 vs.

20 JOHN RUFF, an individual, doing )  
21 business as RUFF SERVICES, )

22 Defendant. )  
23

24 The undersigned counsel of record for plaintiffs certifies  
25 that the following have an interest in the outcome of this case:

26 William C. Waggoner, Trustee

27 Dale I. Vawter, Trustee

28 Steve Billy, Trustee

COPY

1 Fred Young, Trustee  
2 Billy R. Boone, Trustee  
3 Robert W. Burns, Trustee  
4 Mickey J. Adams, Trustee  
5 Ron Sikorski, Trustee  
6 John Spaulding, Trustee  
7 Donald Bourguignon, Trustee  
8 Kenneth Bourguignon, Trustee  
9 Doug Duplisea, Trustee  
10 Les Farrow, Trustee  
11 Tim MacDonald, Trustee  
12 Chris Maier, Trustee  
13 James R. Miller, Trustee  
14 C. W. Poss, Trustee  
15 C. W. Poss, III, Trustee  
16 Alexander Rados, Trustee  
17 Gene Sapper, Trustee  
18 John Sawyer, Trustee  
19 Jack Schaefer, Trustee  
20 William Schmidt, Trustee  
21 John Ruff, as individual, doing business as RUFF SERVICES  
22  
23  
24

25 DATED: September 12, 2003

LAQUER, URBAN, CLIFFORD & HODGE LLP

26  
27 By: Warren S. Snider  
Warren S. Snider

28 Counsel for Trustees of the Operating  
Engineers Pension Trust, et al.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

Pursuant to the Local Rules Governing Duties of Magistrate Judges, the following Magistrate Judge has been designated to hear discovery motions for this case at the discretion of the assigned District Judge:

**(RZx)**

- |   |  |
|---|--|
| <input type="checkbox"/> Paul L. Abrams     | <input type="checkbox"/> James W. McMahon          |
| <input type="checkbox"/> Robert N. Block    | <input type="checkbox"/> Margaret A. Nagle         |
| <input type="checkbox"/> Rosalyn M. Chapman | <input type="checkbox"/> Arthur Nakazato           |
| <input type="checkbox"/> Elgin Edwards      | <input type="checkbox"/> Fernando M. Olguin        |
| <input type="checkbox"/> Charles Eick       | <input type="checkbox"/> Brian Q. Robbins          |
| <input type="checkbox"/> Marc Goldman       | <input type="checkbox"/> Suzanne H. Segal          |
| <input type="checkbox"/> Stephen J. Hillman | <input type="checkbox"/> Carolyn Turchin           |
| <input type="checkbox"/> Jeffrey W. Johnson | <input type="checkbox"/> Patrick J. Walsh          |
| <input type="checkbox"/> Ann I. Jones       | <input type="checkbox"/> A. J. Wistrich            |
| <input type="checkbox"/> Victor B. Kenton   | <input type="checkbox"/> CARLA WOEHRLE             |
| <input type="checkbox"/> Stephen G. Larson  | <input checked="" type="checkbox"/> Ralph Zarefsky |
| <input type="checkbox"/> Jennifer T. Lum    |  |

Upon the filing of a discovery motion, the motion will be presented to the United States District Judge for consideration and may thereafter be referred to the Magistrate Judge for hearing and determination. The Magistrate Judge's initials should be used on all documents filed with the Court so that the case number reads as follows:

**CV03- 6605 CBM (RZx)**

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> <b>Western Division</b><br>312 N. Spring St., Rm. G-8<br>Los Angeles, CA 90012 | <input type="checkbox"/> <b>Southern Division</b><br>411 West Fourth St., Rm. 1-053<br>Santa Ana, CA 92701-4516 | <input type="checkbox"/> <b>Eastern Division</b><br>3470 Twelfth St., Rm. 134<br>Riverside, CA 92501 |
|--|---|--|

Failure to file at the proper location will result in your documents being returned to you.