

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

RAILROAD MAINTENANCE AND)	
INDUSTRIAL HEALTH AND)	
WELFARE FUND,)	
)	
Plaintiff,)	
)	
vs.)	11-3027
)	
MAHONEY & ASSOCIATES, L.L.C.)	
)	
Defendant.)	

OPINION

JUDGE SUE E. MYERSCOUGH:

The Court now considers Plaintiff Railroad Maintenance and Industrial Health and Welfare Fund’s Motion for Default Judgment. See d/e 8 (the Motion). The Motion is GRANTED for the following reasons.

FINDINGS

On January 27, 2011, Plaintiff filed a Complaint, setting forth a basis for Defendant Mahoney & Associates, L.L.C.’s liability. See d/e 1. Plaintiff served a copy of the Complaint on Defendant. See d/e 5.

Defendant never answered or otherwise pled. Accordingly, Plaintiff moved for Entry of Default Judgment. See d/e 6. United States Magistrate Judge Byron G. Cudmore allowed that motion on May 9, 2011. See Text Order dated same.

Because Defendant never objected, the Entry of Default stands and a default judgment may appropriately be entered. See Fed.R.Civ.P. 55 and this Court's Standing Order dated April 15, 2011. Having reviewed Plaintiff's Motion for Default Judgment and the materials of record, this Court determines that:

A. By July 18, 2011, Defendant must send Plaintiff Contribution Remittance Forms for the months of June 2005 through November 2005; July 2008 through May 2009, and June through November 2010.

However, since Plaintiff has not established the specific amount Defendant owes in contributions for that period, the Court cannot order payment for any sums related to those periods and which may be due;

B. Plaintiff is entitled to an accounting from July 1, 2008 through December 31, 2010;

C. Plaintiff is entitled to late fees, penalties, and interest for the period of December 2005 through March 2006 in the amount of \$3,570.00; and, for the months of September 2009 through April 2010, Plaintiff is entitled to late fees, penalties, and interest totaling \$3,625.00;

D. Defendant is ordered to pay Plaintiff attorney fees, costs and expenses of \$2,201.58, as provided by the trust agreements and 29 U.S.C. §1132(g)(2);

E. If Defendant does not comply with the above terms by July 18, 2011, Plaintiff may seek additional relief with the Court. Otherwise, the case will be closed on that date without further notice.

THEREFORE, Plaintiff Railroad Maintenance and Industrial Health and Welfare Fund's Motion for Default Judgment (d/e 8) is GRANTED as stated above.

IT IS SO ORDERED.

ENTERED: June 17, 2011

FOR THE COURT:

s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE