

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 106,
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 106 ANNUITY FUND,
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 106 HEALTH AND WELFARE FUND,
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 106 JOINT APPRENTICE TRAINING FUND,
AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 106 PENSION FUND,

Plaintiffs,

DECISION AND ORDER

vs.

11-CV-171S

PISA ELECTRIC CONSTRUCTION &
MANUFACTURING, INC., GARY ZIELINSKI,
CYNTHIA ZIELINSKI and MARK ZIELINSKI,

Defendants.

Plaintiffs, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL 106, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
LOCAL 106 ANNUITY FUND, INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 106 HEALTH AND WELFARE FUND,
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 106
JOINT APPRENTICE TRAINING FUND, AND INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL 106 PENSION FUND having filed an action on
March 1, 2011, against Defendants, PISA ELECTRIC CONSTRUCTION &
MANUFACTURING, INC. (“Pisa”), GARY ZIELINSKI, CYNTHIA ZIELINSKI and
MARK ZIELINSKI alleging delinquent payments to the Funds in violation of the parties’

Collective Bargaining Agreement, as well as a separate Agreement between the Plaintiffs and Defendants in which Defendants agreed to personal liability concerning the payment of delinquent funds;

AND, the Clerk for the Western District of New York having entered a default against Defendants pursuant to FRCP 55(a) due to the Defendants' failure to answer or respond within the time allotted under FRCP 12 on June 17, 2011;

AND, the Plaintiffs' having moved on July 21, 2011, for a Default Judgment pursuant to FRCP 55(b)(2);

AND Defendant Mark Zielinski and Defendant Cynthia Zielinski appearing *pro se* on September 1, 2011, pursuant to an Order to Show Cause;

AND the Defendants being granted additional time for purposes of obtaining counsel and Cynthia Zielinski appearing by telephone on September 22, 2011, and on October 17, 2011,

NOW, the Court having read the Plaintiffs' Complaint and Exhibits attached thereto, the Clerk for the Western District of New York's Entry of Default, Plaintiffs' Motion for Default Judgment, and Affidavit of E. Joseph Giroux Jr. in Support of Plaintiffs' Motion for Default Judgment, and there being no opposition thereto, and after due deliberation having been had thereon, it is hereby

ORDERED that Plaintiffs' Motion for Default Judgment (Docket No. 9) is GRANTED.

IT IS FURTHER ORDERED that the Plaintiffs recover from Defendants, jointly and severally, the sum of \$211,063.88, which represents the total amount including interest and penalties owed by Defendants to Plaintiffs as set forth in Affidavit of Attorney E. Joseph

Giroux Jr. in support of Plaintiffs' Motion for Default Judgment minus \$20,000 paid to Plaintiffs from the redemption of the bond secured by Defendants, plus post judgment interest as provided by law.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter judgment in Plaintiffs' favor against Defendants consistent with this Order.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this case.

DATED: November 17, 2011
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court