

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS NATIONAL PENSION
FUND, et al.,**

Plaintiffs,

v.

No.11-cv-1234-SI
OPINION AND ORDER

**GREGORY WILLIAMSON and
SUPERIOR PLUMBING COMPANY,**

Defendants.

Stephen H. Buckley
Cary R. Cadonau
Brownstein, Rask, et al.
1200 S.W. Main Street
Portland, Oregon 97205
Attorneys for Plaintiffs

SIMON, District Judge.

Plaintiffs, trustees of union health and welfare funds (“the Union”), brought this action against Gregory Williamson and Superior Plumbing Company for unpaid trust fund and union dues contributions. An order of default was entered on December 8, 2011 (Doc. # 8). On

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December 19, 2011, Plaintiffs filed a notice of dismissal of all claims against Defendant Gregory Williamson and a motion to withdraw their motion for default judgment against Williamson (Doc. ## 13, 14). The motion to withdraw the request for default judgment against Williamson (Doc. # 14) is GRANTED. Plaintiffs represent to the court that they are not withdrawing “any portion of their motion for default judgment to the extent such motion seeks relief against Defendant Superior Plumbing Company.”

As a result of the default order, all factual allegations in the complaint are deemed true. *Fair Housing of Marin v. Combs*, 285 F.3d 899, 906 (9th Cir. 2002) (“the general rule is that well-pled allegations in the complaint regarding liability are deemed true”). Thus, it is established that Defendants were bound by a collective bargaining agreement (“CBA”) with the Union, and under the terms of the CBA, agreed to be bound by the terms and conditions of the trust agreements that created the trust funds. Defendants agreed to pay fringe benefit contributions on behalf of their employees performing work covered by the collective bargaining agreement. It is also established that Defendants’ failure to make the required contributions supports a finding of liability for the delinquent contributions, interest, and liquidated damages. Accordingly, Plaintiffs’ motion for entry of default judgment against Defendant Superior Plumbing Company (Doc. # 9) is GRANTED.

IT IS SO ORDERED.

Dated this 12th day of January, 2012.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge

