UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

Alaska Laborers Employers Retirement Trust, *et al.*,	)	
Plaintiffs,	)	**3:15-cv-193 JWS**
vs.	)	**ORDER AND OPINION**
Earth Stone, Inc.,	)	**[Re: Motion at docket 12]**
Defendant.	)	

I. MOTION PRESENTED

At docket 12 plaintiffs move for summary judgment. Defendant opposes at docket 19, and plaintiffs reply at docket 23. Oral argument has not been requested and would not assist the court.

II. DISCUSSION

In their motion and supporting papers, plaintiffs ask the court to rule that as a matter of law defendant is liable for unpaid contributions due to plaintiffs as well as for liquidated damages, interest, costs, and attorney's fees. More specifically, they ask the court to rule that they are entitled to judgment against defendant for $66,887.51 plus attorney's fees and costs. Plaintiffs rely on a payroll audit performed by

CliftonLarsonAllen LLP. In its opposition, defendant does not deny that it owes some amount of money for unpaid contributions, but provides its owner's affidavit which is sufficient to create disputed issues of material fact with respect to the amount owed. Plaintiffs concede this point in their reply.

Having reviewed the parties' papers, the court concludes that plaintiffs are not entitled as a matter of law to all the relief they request. The motion at docket 12 is GRANTED to the extent that defendant owes some amount of unpaid contributions to plaintiffs, together with associated sums to be calculated pursuant to applicable statutes, but otherwise DENIED. Because resolution of the quantum owed appears to be largely an accounting problem, the court strongly recommends that the parties settle their dispute. In the court's view, resolution of the amount owed by defendant could be more efficiently resolved by mediation, negotiation, or the engagement of a mutually agreeable independent accountant than by trial.

DATED this 10th day of May 2016.

/s/ JOHN W. SEDWICK
SENIOR UNITED STATES DISTRICT JUDGE