

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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| BOARD OF TRUSTEES OF THE SAN MATEO HOTEL, et al., |) | Case No. 10-2814 SC |
| |) | |
| Plaintiffs, |) | ORDER GRANTING ENTRY OF |
| |) | JUDGMENT PURSUANT TO |
| |) | <u>STIPULATION</u> |
| v. |) | |
| |) | |
| LADY LUCK GOURMET LLC, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Before the Court is a Motion for Entry of Judgment against Defendant Lady Luck Gourmet LLC ("Defendant") brought by Plaintiffs Board of Trustees of the San Mateo Hotel, et al. ("Plaintiffs"). ECF No. 26 ("Mot.").

Plaintiffs brought this action for violation of the Employee Retirement Income Security Act ("ERISA"), alleging that Defendant failed to pay moneys due under a collective bargaining agreement and trust agreement. ECF No. 1 ("Compl.") ¶ 7. On October 4, 2010, Plaintiffs and Defendant entered into a Stipulation for Judgment providing that Defendant would make payments on the contributions due. ECF No. 9 ("Stip. for J.") at 1-2. Under the Stipulation, the parties agreed that failure of Defendant to make

1 monthly payments in a timely manner would result in the entry of
2 judgment in the amount of \$91,563.51, reduced by any offsets for
3 payments made, after ten days written notice to Defendant. Id. at
4 2.

5 Defendant made payments for contributions due for January
6 through March 2010; however, contributions for subsequent months
7 were not made when they came due. Carroll Decl.¹ ¶ 4. A total
8 amount of \$15,552.25 remains due and owing. Id. ¶ 5. On May 11,
9 2011, Plaintiffs' attorney informed Defendant that it was
10 delinquent on its contributions and demanded immediate payment of
11 \$15,552.25. Id. Ex 2 ("May 11, 2011 Carroll Fax"). On August 24,
12 2011, Plaintiffs filed this Motion seeking entry of judgment in the
13 amount of \$15,552.25. Mot.; ECF No. 28 ("Proposed Order"). The
14 deadline for Defendant to file an opposition has passed, and
15 Defendant has not done so.

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27 ¹ Michael J. Carroll ("Carroll"), Plaintiffs' attorney, submitted a
28 declaration in support of the Motion. ECF No. 27 ("Carroll
Decl.").

1 Accordingly, it is hereby ORDERED that JUDGMENT be entered in
2 favor of Plaintiffs Board of Trustees of the San Mateo Hotel
3 Employees and Restaurant Employees Welfare Fund, Pension Fund, and
4 Sherri Chiesa against Defendant Lady Luck Gourmet LLC, doing
5 business as Go Bistro, in the amount of \$15,552.25, which amount is
6 composed of the following: liquidated damages in the amount of
7 \$15,202.25 and costs of suit incurred in this action in the amount
8 of \$350.00.

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IT IS SO ORDERED, ADJUDGED, and DECREED.

Dated: October 18, 2011

UNITED STATES DISTRICT JUDGE