

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.A. LOCAL NO. 467 PENSION TRUST
FUND, *et al.*,

No. C-12-3746 EMC

Plaintiffs,

**ORDER RE SUPPLEMENTAL
BRIEFING AND EVIDENCE**

v.

HYDRA VENTURES INCORPORATED,

Defendant.

Plaintiffs U.A. Local No. 467 Pension Trust Fund, U.A. Local No. 467 Health and Welfare Trust Fund, Pipe Trades Apprentice and Journeyman Training Trust Fund for San Mateo County, and Mike Swanson, trustee and fiduciary of the above trust funds, have filed an action to collect unpaid contributions due to certain multi-employer benefit plans from Defendant Hydra Ventures, Inc., *dba* Cal Pacific Plumbing Systems (“Cal Pacific”), under the civil enforcement provisions of the Labor Management Relations Act of 1947 (“LMRA”), 29 U.S.C. §§ 141, *et. seq.*, and the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001, *et. seq.* See Complaint (Docket No. 1) ¶¶ 1, 3, 4, 6. Having received an entry of default against Cal Pacific for its failure to appear or otherwise respond to the summons and complaint served upon it in this matter, *see* Entry of Default (Docket No. 9), Plaintiffs now move for default judgement pursuant to Fed. R. Civ. P. 55(b)(2), *see* Motion for Default Judgement (Docket No. 14). Rule 55(b)(2) authorizes the Court to “conduct an accounting, . . . determine the amount of damages, . . . establish

1 the truth of any allegation by evidence,” or “ investigate any other matter” prior to entering a default
2 judgment.

3 It is hereby ordered that Plaintiffs shall submit to the Court:

- 4 (1) a supplemental briefing substantiating Defendant’s liability under the Collective
5 Bargaining Agreement and related documents for unpaid contributions,
6 (2) a supplemental declaration from a declarant with appropriate firsthand knowledge,
7 along with exhibits (such as *e.g.* relevant audit results or other financial records),
8 substantiating and explaining Plaintiffs’ calculation of actual damages, liquidated
9 damages, and interest due to the Trust Funds, and
10 (3) authenticated copies of the Collective Bargaining Agreement, the Trust Agreements,
11 and the parties’ settlement agreement.

12 Plaintiffs shall submit these materials to the Court no later than February 4, 2013. The hearing on
13 Plaintiffs’ Motion for Default Judgment scheduled for January 31, 2013, is rescheduled to February
14 14, 2013, at 1:30 p.m.

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16 IT IS SO ORDERED.

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18 Dated: January 28, 2013

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21 EDWARD M. CHEN
22 United States District Judge
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