

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

U.A. LOCAL 342 JOINT LABOR-
MANAGEMENT COMMITTEE, et al.,

No. C 12-3779 MMC

Plaintiffs,

**ORDER DEFERRING RULING ON
PLAINTIFFS' MOTION FOR DEFAULT
JUDGMENT; AFFORDING PLAINTIFFS
OPPORTUNITY TO FILE
SUPPLEMENTAL DECLARATION(S)**

v.

iPURITY, INC., et al.,

Defendants.

Before the Court is plaintiffs' Motion for Entry of Default Judgment, filed January 11, 2013, by which motion plaintiffs seek judgment in the total amount of \$260,763.13, comprising: (1) unpaid and delinquent fringe benefit contributions in the amount of \$119,516.35, (2) liquidated damages and interest in the amount of \$132,131.78, and (3) attorneys' fees in the amount of \$9115. No opposition has been filed.

The moving papers, however, provide insufficient factual support for an award in the amount sought. In particular, the declaration of Kim Biagi ("Biagi") is lacking in significant details such that the Court is unable to determine how plaintiffs arrived at the amount allegedly owed by defendants.¹ Biagi's declaration contains, for example, no explanation of

¹ The Declaration of Benjamin K. Lunch is sufficient to support plaintiffs' request for attorneys' fees.

1 the basis for Biagi's claimed knowledge of defendants' account. Further, the declaration is
2 devoid of any facts or calculations showing how Biagi arrived at the above-referenced
3 damages figures.²

4 Accordingly, the Court will defer ruling on plaintiffs' motion, and plaintiffs' are hereby
5 afforded an opportunity to submit additional support for their motion, addressing the
6 deficiencies identified above. Any such declaration(s) and exhibits thereto shall be filed no
7 later than February 22, 2013, at which time the Court will take the matter under submission.

8 **IT IS SO ORDERED.**

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10 Dated: February 1, 2013


MAXINE M. CHESNEY
United States District Judge

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27 ² As one example, the dates from which and to which interest was calculated are not
28 provided.