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United States District Court
Northern District of California

THE BOARD OF TRUSTEES, et al.,

Plaintiffs,

v.

ROBERT BEADLES, INC., a California
Corporation; and DOES 1 - 10,

Defendant.

Case No.: C 09-02557-PJH

ORDER REQUIRING FURTHER
INFORMATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR DEFAULT
JUDGMENT

Plaintiffs the Board of Trustees move for default judgment against Defendant Robert Beadles, Inc., a California Corporation for ERISA violations. Plaintiffs' motion follows an entry of default by the clerk on April 22, 2010. (Dkt. No. 26.)

On August 15, 2013, the Court held a hearing, and after an explanation by Plaintiffs' counsel and further examination of the exhibits provided, the Court requires further information before making a recommendation to the presiding judge on the pending motion for default judgment.

As explained at the hearing, the Court understands that the interest on unpaid contributions is calculated by multiplying the unpaid contribution by 1.5% and multiplying that by the number of months the particular payment is delinquent. Counsel also explained that the flat fee for liquidated damages was only assessed once unless auditors later found that the employer underreported their unpaid contributions by more than 25%. Given that information, based on Exhibit G of the Declaration of Michelle Lauziere, it appears that interest and flat fees may have been assessed after June 9, 2009, the date the complaint was initially filed. As the Court can only award damages based on the unpaid contributions at the time the complaint was filed, Plaintiffs shall provide a sworn declaration, under penalty of perjury, that they are only

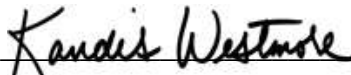
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seeking unpaid contributions, and the related interest and liquidated damages, from months prior to the filing of this action. Alternatively, Plaintiffs may make any corrections to the amounts sought and provide any additional financial documentation in support thereof. Plaintiffs shall also identify any statutory liquidated damages for late, but paid, pre-litigation payments. *See Trustees of Bricklayers Local No. 3 Pension Trust v. Huddleston*, 10-1708 JSC, 2013 WL 2181532, at *5 (N.D. Cal. May 20, 2013).

Plaintiffs shall provide this information within 14 days of this order.

IT IS SO ORDERED.

Dated: August 26, 2013


KANDIS A. WESTMORE
United States Magistrate Judge