Crosthwaite et al v. A & J Pumping Inc Doc. 46

UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT

Northern District of California

F.G. CROSTHWAITE, et al.,

Plaintiffs,

v.

A & J PUMPING, INC., et al.,

Defendants.

_____/

No. C 10-3040 SBA (MEJ)

ORDER REQUESTING CLARIFICATION

Pending before the Court is Plaintiffs' F.G. Crosthwaite and Russell E. Burns' Motion for Default Judgment. Dkt. No. 25. In their motion, Plaintiffs provide a chart of the liquidated damages they seek. Mot. at 2. For the period of August 2009, Plaintiffs list $200.88 in contributions and $175.00 in liquidated damages. However, based upon review of Plaintiffs' motion and supporting documentation, it appears that liquidated damages were to be calculated at the greater of $35.00 or 15% of the amount due for contributions. Hayner Decl. ¶ 4. Thus, for the period of August 2009, it seems that Plaintiffs should be claiming either $35.00 in liquidated damages or $30.13, which would be 15% of $200.88. Accordingly, the Court ORDERS Plaintiff to file a declaration by November 18, 2011 at 10:00 a.m. explaining this apparent discrepancy. Plaintiffs shall also explain whether the interest calculated for August 2009 is affected. Plaintiffs need not submit a chambers copy of the declaration.

IT IS SO ORDERED.

Dated: November 17, 2011

Maria-Elena James
Chief United States Magistrate Judge

Dockets.Justia.com