

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01465-LTB-CBS

EIGHTH DISTRICT ELECTRICAL PENSION FUND,
EIGHTH DISTRICT ELECTRICAL PENSION FUND ANNUITY PLAN,
TRUSTEES OF EIGHTH DISTRICT ELECTRICAL PENSION FUND & ANNUITY PLAN,
EIGHTH DISTRICT ELECTRICAL BENEFIT TRUST FUND,
TRUSTEES OF EIGHTH DISTRICT ELECTRICAL BENEFIT TRUST FUND,
DENVER JOINT ELECTRICAL APPRENTICESHIP AND TRAINING COMMITTEE, and
TRUSTEES OF DENVER JOINT ELECTRICAL APPRENTICESHIP
AND TRAINING COMMITTEE,

Plaintiffs,

v.

ELECTRICAL FORCES LLC,

Defendant.

ORDER GRANTING MOTION TO AMEND JUDGMENT

This matter is before the Court on the request by Plaintiffs, Eighth District Electrical Pension Fund *et al.*, to amend the default judgment entered by this Court on December 29, 2008. Plaintiffs seek to amend the judgment in order to begin collection efforts through garnishment proceedings and otherwise.

FINDINGS AND CONCLUSIONS

1. On December 29, 2008, this Court entered Default Judgment (the “Judgment”) in Plaintiff’s favor.

2. The Judgment ordered “that Defendant, Electrical Forces LLC, is directed to submit to and cooperate in an audit of its books and records.” The Judgment further ordered “that Defendant shall pay the contributions determined by Plaintiffs’ auditor to be due.”

3. Defendant did cooperate in an audit of its books and records as ordered. Plaintiffs provided the Court with the audit and the affidavit of William C. Sanden, the auditor for the Plaintiffs, showing the total amount determined to be due. The auditor has determined that Defendant has outstanding unpaid contributions of \$23,029.51.

4. Defendant has been unresponsive to Plaintiff’s requests to pay the amount determined by the auditor to be due. To date, no payment has been made by the Defendant and all attempts to contact Defendant to obtain payment have been unsuccessful.

5. The Judgment further provided “that Defendant shall pay liquidated damages at the rate of 20 percent of the unpaid contributions,” which equals \$4,605.90.

6. The Judgment further provided for interest at the contractual rate of 18 percent annually on the “unpaid contributions from the date they were initially due to the date on which Defendant pays the contributions to Plaintiffs.” Interest on the unpaid contributions totals \$10,703.34 as of March 15, 2009.

7. On December 30, 2008, this Court granted an award of attorneys’ fees to Plaintiffs in the amount of \$4,262.00.

8. On January 6, 2009, this Court awarded Plaintiff costs in the amount of \$412.96. Accordingly, **IT IS ORDERED** that the Judgment is hereby amended to reflect that Defendant, Electrical Forces LLC, is obligated to pay Plaintiffs the total amount of \$43,013.71, which consists of the following:

1. \$23,029.51, the amount of unpaid contributions determined due by the auditor;
2. \$10,703.34, the amount of accrued interest as of March 15, 2009;
3. \$4,605.90, the amount of liquidated damages;
4. \$4,262.00, the amount of attorneys' fees awarded; and
5. \$412.96, the amount of costs awarded.

BY THE COURT

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: July 24, 2009