

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MICHAEL McDONALD, JERRY ROMERO, VINSON HUGHES, SCOTT JONES, MIKE BAKER, DOUG THOMAS, RICK MEYER, ED NORTON, TOM MOES, ERIC SUTTON, WILLIS NORTON, SHERON HOPE, GEORGE BOSILJEVAC, DICK DeVRIES, BOARD OF TRUSTEES OF THE INTERMOUNTAIN IRONWORKERS PENSION TRUST FUND, BOARD OF TRUSTEES OF THE INTERMOUNTAIN TAX DEFERRAL TRUST FUND, AND BOARD OF TRUSTEES OF THE INTERMOUNTAIN IRONWORKERS HEALTH & WELFARE TRUST FUND, IRONWORKERS JOINT APPRENTICESHIP & TRAINING FUND, IMPACT FUND, IPAL FUND, AND IRONWORKERS LOCAL UNION NO. 732 OF THE INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRONWORKERS

Plaintiffs,

v.

IDAHO IRON, INC., an Idaho Corporation,

Defendant.

Case No. 4:11-cv-00094-BLW

**MEMORANDUM DECISION AND
ORDER**

Before the Court is Plaintiffs' unopposed Motion for Summary Judgment (Dkt. 22). For the reasons set forth below, the Court will grant the Motion.

ANALYSIS

Plaintiffs filed a Motion for Summary Judgment on November 15, 2011, and the matter was set for hearing on January 26, 2012. Defendants did not respond to Plaintiffs' Motion, but filed for Chapter 7 bankruptcy protection on December 14, 2011, Case No. 11-42011-JDP. The parties stipulated to Relief from Stay, and the Court entered an Order Granting Relief from Stay to Liquidate Claim on June, 26, 2012.

Plaintiff abandoned their Second Claim for Relief for Breach of Fiduciary Duty against Defendants Jerry and Judy Wellard, and the Court entered an order granting Plaintiffs' motion to dismiss those defendants.

Plaintiffs now move the Court to enter judgment finding Defendant Idaho Iron Inc., liable for certain benefits contributions pursuant to E.R.I.S.A. Plaintiff's November 15, 2011 Summary Judgment Motion sought judgment in the amount of \$236,892.30. *Pl's Br.* at 14, Dkt. 15-2. Plaintiffs' have since received additional payments from Idaho Iron in the amount of \$15,403.86 and the amount now owing is \$221,488.44. Plaintiffs request judgment in the amount of \$221,488.44. In accordance with defense counsel's representation to Plaintiffs, Defendant Idaho Iron, Inc. has not opposed the motion for summary judgment. Because Idaho Iron does not appear to dispute that it owes Plaintiffs \$221,488.44, Plaintiffs motion for summary judgment will be granted.

ORDER

IT IS ORDERED THAT Plaintiff's Motion for Summary Judgment (Dkt. 22) is
GRANTED.



DATED: September 13, 2012

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill

Chief Judge

United States District Court