

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
SPRINGFIELD DIVISION**

CENTRAL ILLINOIS CARPENTERS )  
HEALTH & WELFARE FUND, et al., )

Plaintiffs, )

v. )

JLW CONSTRUCTION, INC., )

Defendant. )

No. 08-3278

**OPINION**

JEANNE E. SCOTT, U.S. District Judge:

This cause is before the Court on Plaintiffs’ Motion for Default Judgment (d/e 8). Plaintiffs’ Motion asks the Court to order Defendant to produce payroll records and contribution reporting forms for the period from January 1, 2008, to the present to allow for an accounting. Plaintiffs ask the Court to enter judgment in favor of Plaintiffs against Defendant for sums determined to be due after the payroll compliance examination. Plaintiffs also seek an award of interest, liquidated damages, attorney’s fees, and costs. As set forth below, Plaintiffs’ Motion is allowed, in part, and denied, in part.

The Court, being fully advised in the premises, finds that the Defendant has failed to answer the Complaint filed herein in a timely fashion as required by the Federal Rules of Civil Procedure. The Magistrate Judge entered an Order of Default (d/e 7) on January 7, 2009. Plaintiffs then filed the instant Motion and served it on Defendant by U.S. mail on January 21, 2009. Motion for Default Judgment, p. 4, Certificate of Service. Defendant has nevertheless failed to appear.

THEREFORE, Plaintiffs' Motion for Default Judgment (d/e 8) is ALLOWED, in part, and DENIED, in part. Plaintiffs' request for an accounting is allowed. Defendant is ordered to remit payroll records and contribution reporting forms for the period of January 1, 2008, through current to Plaintiffs at the law offices of Cavanagh & O'Hara, 407 East Adams Street, Springfield, Illinois, 62701 on or before March 25, 2009, and to otherwise fully co-operate with Plaintiffs' payroll compliance examination. The Court denies, without prejudice, Plaintiffs' request for a default judgment at this time. Plaintiffs may renew their request for judgment when they have completed the accounting and ascertained the amounts owed for unpaid contributions. Plaintiffs' request for attorney's fees and costs is similarly denied without prejudice and may be renewed at

a later date.

IT IS THEREFORE SO ORDERED.

ENTER: February 25, 2009

FOR THE COURT:

s/ Jeanne E. Scott  
JEANNE E. SCOTT  
UNITED STATES DISTRICT JUDGE