

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

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

Plaintiffs, )

v. )

No. 09-3169

KASWELL & CO., INC. and )  
NORMAN J. KASWELL, individually, )

Defendants. )

**OPINION**

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

This matter is before the Court on Plaintiffs’ Motion for Default Judgment as to Counts I and III of Plaintiffs’ Complaint (d/e 22). In an Opinion (d/e 21), dated May 17, 2010, the Court entered default against Defendant Kaswell & Co., Inc. Plaintiffs now seek default judgment against Defendant Kaswell & Co., Inc. for sums certain. The record reveals that the request for default judgment was served on Defendant Kaswell & Co., Inc. on May 26, 2010, by U.S. Mail. Motion for Default Judgment, p. 6, Certificate of Service. Defendant Kaswell & Co., Inc. has, nevertheless,

failed to respond. The Court, having reviewed the pending Motion and the record, finds that an award of default judgment against Defendant Kaswell & Co., Inc. is appropriate.

THEREFORE, Plaintiffs' Motion for Default Judgment as to Counts I and III of Plaintiffs' Complaint (d/e 22) is ALLOWED. Default judgment is entered in favor of Plaintiffs and against Defendant Kaswell & Co., Inc. as to Counts I and III of the Complaint (d/e 1) as follows:

A. Judgment is entered in favor of Plaintiffs Central Illinois Carpenters Health & Welfare Trust Fund, Carpenters Local Union No. 44 and Mid-Central Illinois Regional Council of Carpenters and against Defendant Kaswell & Co., Inc. as to Count I in the amount of \$27,600.38. The judgment amount consists of delinquent contributions of \$19,245.83, liquidated damages of \$3,849.21, interest of \$4,410.70, audit costs of \$962.50, reasonable attorneys' fees and costs in the amount of \$5,465.50 as provided by ERISA (29 U.S.C. § 1132(g)(2)) and a credit for \$6,333.36, an amount which Plaintiffs represent is currently being held on account;

B. Judgment is entered in favor of Plaintiffs Carpenters Pension Fund of Illinois, Carpenters Retirement Savings Fund of Illinois, Carpenters Local Union No. 44 and Mid-Central Illinois Regional Council of

Carpenters and against Defendant Kaswell & Co., Inc. as to Count III in the amount of \$4,762.78. The judgment amount consists of delinquent contributions of \$480.69, liquidated damages of \$1,399.23, interest of \$93.60, audit costs of \$390.00, reasonable attorneys' fees and costs in the amount of \$5,729.50 as provided by ERISA (29 U.S.C. § 1132(g)(2)), and a credit of \$3,330.24 for amounts being held on account by Plaintiffs; and

C. Defendant Kaswell & Co., Inc. is specifically ordered to perform and continue to perform all their obligations to the Plaintiffs.

IT IS THEREFORE SO ORDERED.

ENTER: June 23, 2010

FOR THE COURT:

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