

E-FILED

Thursday, 22 April, 2010 12:01:16 PM

Clerk, U.S. District Court, ILCD

**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. 09-3250
)	
AUBURN INTERIORS, LLC,)	
)	
Defendant.)	

OPINION

This matter is before the Court on Plaintiffs’ Motion for Default Judgment (d/e 11) against the Defendant, Auburn Interiors, LLC. Plaintiffs ask the Court to order Auburn Interiors to produce payroll records and contribution reporting forms for the period from February 16, 2009, through the present and to enter judgment for sums determined to be owed by Auburn Interiors following a payroll compliance examination of the payroll records and reporting forms. Plaintiffs also seek an award of audit costs, liquidated damages, interest, attorney's fees and costs.

The Motion for Default Judgment (d/e 11) is ALLOWED, in part, and DENIED, in part. The Court orders Defendant Auburn Interiors to remit to Plaintiffs’ attorneys, Cavanagh & O’Hara LLP, 407 E. Adams Street,

Springfield, Illinois 62701, its payroll records and contribution reporting forms for the period of February 16, 2009, through the present on or before May 21, 2010, and to otherwise fully co-operate with Plaintiffs' payroll compliance examination. The Motion is denied in all other respects. 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 payroll compliance examination and ascertained the amount, if any, that is owed for unpaid contributions and other damages and costs. The Court notes, however, that at this point, the record is insufficient to support default judgment. Page 2 of the Executed Summons (d/e 8) does not indicate the name of the individual who was personally served at 18360 Shaw Road, Auburn Twp., OH 44023, nor does it establish that the individual who was served was authorized to accept service of process for the Defendant. Plaintiffs' request for attorney's fees and costs is also denied without prejudice and may be renewed at a later date.

IT IS THEREFORE SO ORDERED.

ENTER: April 21, 2010

FOR THE COURT:

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