

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

**CENTRAL ILLINOIS CARPENTERS)
HEALTH AND WELFARE TRUST)
FUND, CENTRAL ILLINOIS)
CARPENTERS RETIREMENT)
SAVINGS FUND,)
MID-CENTRAL ILLINOIS)
REGIONAL COUNCIL OF)
CARPENTERS - JOINT)
APPRENTICESHIP & TRADING)
COMMITTEE, MID-CENTRAL)
ILLINOIS REGIONAL COUNCIL OF)
CARPENTERS, CENTRAL ILLINOIS)
BUILDERS, CARPENTERS)
INTERNATIONAL TRAINING)
FUND, CARPENTERS LABOR)
MANAGEMENT EDUCATION &)
DEVELOPMENT FUND,)
MID-CENTRAL ILLINOIS)
REGIONAL COUNCIL OF)
CARPENTERS PROMOTIONAL)
FUND, MID-CENTRAL ILLINOIS)
CARPENTERS JOINT LABOR)
MANAGEMENT SUBSTANCE)
ABUSE TESTING & ASSISTANCE)
FUND, UNITED BROTHERHOOD)
OF CARPENTERS CHECKOFF,)
CARPENTERS PENSION)
FUND OF ILLINOIS, CARPENTERS)
RETIREMENT SAVINGS FUND)
OF ILLINOIS, AND CARPENTERS)
LOCAL #270,)
)**

Plaintiffs,)	Civil No. 15-3335
)	
v.)	
)	
CREATIVE CONSTRUCTION BY)	
DESIGN, A CORP.,)	
)	
Defendant.)	

OPINION ENTERING DEFAULT JUDGMENT

SUE E. MYERSCOUGH, U.S. District Judge:

This cause comes before the Court on Plaintiffs Central Illinois Carpenters Health & Welfare Trust Fund, et al.’s Motion for Default Judgment (d/e 6). The Court has reviewed Plaintiffs’ Memorandum in Support (d/e 7) and the exhibits attached thereto, Plaintiff’s Complaint (d/e 1) and exhibits attached thereto, and other documentary evidence contained in the court file. With Defendant Creative Construction by Design, A Corp. having previously been found to be in default, the Motion (d/e 6) is GRANTED.

The Court FINDS AS FOLLOWS:

1. Defendant was found to be in default by this Court on January 21, 2016 (d/e 5).
2. Defendant is an “Employer” engaged in an industry within the

meaning of 29 U.S.C. §§ 1002 (5), (11), (12), and (14) of ERISA.

3. Defendant is bound by the provisions of the Mid-Central Illinois Regional Council of Carpenters collective bargaining agreement, and by the provisions of the Plaintiffs' trust agreements.

4. Defendant breached the collective bargaining agreement, trust agreements, and applicable provisions of ERISA by failing to timely submit contribution report forms or make payments of the contributions owed for covered work performed by its employees.

5. Defendant is liable to Plaintiffs for certain known fringe benefit contributions and other amounts owed for covered work performed by its employees during the time period of September 1, 2014 through March 31, 2015, as determined by audit.

6. Plaintiffs are entitled to liquidated damages, interest, audit costs, and their reasonable attorneys' fees and costs incurred in this matter pursuant to Plaintiffs' trust agreements and Section 502(g)(2)(A-E) of ERISA.

7. Defendant owes Plaintiff Central Illinois Carpenters Health & Welfare Trust Fund, after all just credits, the known sum of \$30,920.98 (consisting of delinquent contributions of \$23,570.49,

liquidated damages of \$4,714.27, interests of \$2,155.80, late fees of \$86.92, and audits costs of \$893.50, minus \$500.00 for payments received).

8. Defendant owes Plaintiffs Carpenters Pension Fund of Illinois and Carpenters Retirement Savings Fund of Illinois, after all just credits, exclusive of attorneys' fees and costs, a known sum of \$23,768.59 (consisting of delinquent contributions of \$19,326.98, liquidated damages of \$1,932.70, interest of \$1,963.94, late fees of \$151.48, and audit costs of \$893.50, minus \$500.00 for payments received).

9. Plaintiff Central Illinois Carpenters Health & Welfare Trust Fund has incurred reasonable attorneys' fees and costs in the amount of \$2,885.84.

10. Plaintiffs Carpenters Pension Fund of Illinois and Carpenters Retirement Savings Fund of Illinois have incurred reasonable attorneys' fees and costs in the amount of \$3,018.83.

Based on the foregoing findings,

A. Plaintiffs' Motion for Default Judgment is GRANTED pursuant to F.R.C.P. Rule 55(b)(2);

B. Defendant is ORDERED to pay Plaintiff Central Illinois Carpenters Health & Welfare Trust Fund the sum of \$30,920.98 (consisting of delinquent contributions of \$23,570.49, liquidated damages of \$4,714.27, interests of \$2,155.80, late fees of \$86.92, and audits costs of \$893.50, minus \$500.00 for payments received);

C. Defendant is ORDERED to pay Plaintiff Central Illinois Carpenters Health & Welfare Trust Fund attorneys' fees and costs in the amount of \$2,885.84; and

D. Judgment is entered in favor of Plaintiff Central Illinois Carpenters Health & Welfare Trust Fund in the sum of \$33,806.82.

E. Defendant is ORDERED to pay Plaintiffs Carpenter Pension Fund of Illinois and Carpenters Retirement Savings Fund of Illinois, after all just credits, the sum of \$23,768.59 (consisting of delinquent contributions of \$19,326.98, liquidated damages of \$1,932.70, interest of \$1,963.93, late fees of \$151.48, and audit costs of \$893.50, minus \$500.00 for payments received);

F. Defendant is ORDERED to pay Plaintiffs Carpenters Pension Fund of Illinois and Carpenters Retirement Savings Fund of Illinois attorneys' fees and costs in the amount of \$3,018.83; and

G. Judgment is entered in favor of Plaintiffs Carpenters Pension Fund of Illinois and Carpenters Retirement Savings Fund of Illinois in the sum of \$26,787.42.

IT IS SO ORDERED.

ENTER: February 19, 2016.

s/ Sue E. Myerscough
SUE E. MYERSCOUGH
UNITED STATES DISTRICT JUDGE