

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EMPLOYERS & OPERATING ENGINEERS )  
LOCAL 520 PENSION FUND, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
WORTH CUTTING, INC., )  
 )  
Defendant. )

Case No. 08-cv-0761-MJR-PMF

ORDER GRANTING DEFAULT JUDGMENT

Reagan, District Judge:

Plaintiffs ("the Funds") filed this action in October 2008, seeking to recover from Worth Cutting, Inc. ("Defendant") delinquent fringe benefit contributions and liquidated damages owed to the Funds pursuant to applicable collective bargaining agreements. Suit was brought under the Employee Retirement Income Security Act, 29 U.S.C. § 1132(g)(2)("ERISA"), and the Labor Management Relations Act, 29 U.S.C. § 185 ("LMRA"). This Court enjoys subject matter jurisdiction via the federal question statute, 28 U.S.C. § 1331.

Served with the summons and complaint on November 5, 2008, Defendant failed to answer or otherwise respond. In January 2009, the Funds obtained a clerk's entry of default under Federal Rule of Civil Procedure 55(a). *See Doc. 10.* The Funds now move for default judgment under Rule 55(b), which provides (emph. added):

If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk - on the plaintiff's request, with an affidavit showing the amount due - **must enter judgment for that amount** and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

The record before the Court establishes that default judgment should be granted. The Funds have furnished a proper affidavit and supporting documentation. The amounts of delinquent contributions and liquidated damages are delineated in those pleadings. **The total of those amounts is \$35,141.66.**

Additionally, the collective bargaining agreements and ERISA require Defendant to pay the Funds' attorneys' fees and costs. The Funds incurred **\$403.50 in legal fees and \$652.50 in costs.** Based on the evidence presented, the Court finds that the services performed by the Funds' attorneys were reasonable and necessary to the litigation of this case, the rates charged were reasonable, and the amount sought in fees is reasonable. The total amount owed by Defendant to the Funds is \$36,197.66.

The Court hereby **GRANTS** the motion for default judgment (Doc. 8) and **DIRECTS** the Clerk of Court to enter judgment in favor of Plaintiffs/the Funds and against Defendant Worth in the total amount of **\$36,197.66.**

IT IS SO ORDERED:

DATED this 2nd day of February 2009.

*s/ Michael J. Reagan*

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MICHAEL J. REAGAN

United States District Judge