

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

CENTRAL LABORERS' PENSION,)	
WELFARE AND ANNUITY FUNDS,)	
)	
Plaintiffs,)	
)	
vs.)	Case No: 08-cv-0817-MJR
)	
BUGG MASONRY, INC. and)	
DAVID BUGG, individually,)	
)	
Defendants.)	

MEMORANDUM and ORDER

REAGAN, District Judge:

Plaintiffs ("the Funds") filed this action in November 2008, seeking to recover delinquent fringe benefit contributions and liquidated damages owed them pursuant to applicable collective bargaining agreements. Suit was brought under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132, *et seq.* ("ERISA"). This Court enjoys subject matter jurisdiction under the federal question statute, 28 U.S.C. § 1331.

Served with the summons and complaint on November 28, 2008, both Defendants failed to answer or respond to the complaint. On December 31, 2008, the Funds obtained a clerk's entry of default against both Defendants under Federal Rule of Civil Procedure 55(a). *See Docs. 10, 11.* The Funds now move for default judgment under Rule 55(b)(1), 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 amounts due - **must enter judgment for that amount** and costs against a defendant who has been defaulted for not appearing and is neither a minor nor an incompetent person.

The record before the Court indicates that default judgment should be granted. The Funds have furnished a proper affidavit and supporting documentation. The amounts of delinquent contributions, liquidated damages, attorneys' fees and costs are delineated in those documents.

Accordingly, the Court **GRANTS** the motion for default judgment (Doc. 12) and **DIRECTS** the Clerk of Court to enter judgment in favor of Plaintiffs/the Funds and against Defendants, Bugg Masonry, Inc. and David Bugg individually, in the total amount of \$46,016.73, that total being comprised of the following components:

\$44,628.95 in audit liabilities (delinquent contributions),

\$ 87.76 in liquidated damages, and

\$ 1,300.02 in attorneys' fees and costs.

Finally, the Court awards Plaintiffs execution for the collection of this judgment and retains jurisdiction to enforce this Order and judgment.

IT IS SO ORDERED.

DATED this 11th day of February 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Court