

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

EMPLOYERS & OPERATING)
ENGINEERS LOCAL 520 PENSION)
FUND, et al.,)
))
Plaintiffs,)
))
v.)
))
ALLEN KATTENBRAKER,)
an individual, doing business as)
KATT EXCAVATING, INC.,)
))
Defendant.)

Case No. 3:10-cv-0883-MJR

ORDER GRANTING
MOTION FOR DEFAULT JUDGMENT

REAGAN, District Judge:

Plaintiffs (“the Funds”) filed this action on November 5, 2010, seeking to recover from defendant Allen Kattenbraker (doing business as Katt Excavating, Inc.) delinquent fringe benefit contributions and liquidated damages owed to the Funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2), and the Labor Management Relations Act, 29 U.S.C. §185.

Defendant Kattenbraker was served with the summons and complaint on November 15, 2010. He was to move, answer, or otherwise respond to the complaint by December 6, 2010. Defendant did not do so. Based on that fact and the Funds’ motion, the Clerk of Court made an entry of default on January 11, 2011 (Doc. 9). Now before the Court is the Funds’ motion for default judgment and supporting materials (Docs. 11-12).

Under ERISA, 29 U.S.C. §1132(g)(2) and §1145, and the applicable collective bargaining agreement, Defendant owes \$10,076.96 in fringe benefit contributions for

employee Steve Womack for the months of July, August and September 2010. In addition, since these contributions were not paid when due, ten percent (10%) liquidated damages were assessed. Defendant owes \$1,007.69 in liquidated damages.

The applicable collective bargaining agreements and ERISA also require Defendant to pay the Funds' reasonable attorneys' fees and costs. The Funds incurred \$470.00 in legal fees, and \$598.75 in costs. Based on the evidence presented (including the affidavits, exhibits and memorandum supporting the default judgment motion, *see* Doc. 12), the Court finds that the services performed by the Funds' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

The total amount owed by Defendant to the Funds is \$12,090.40. The Court **GRANTS** the Funds' default judgment motion (Doc. 11) and **DIRECTS THE CLERK OF COURT TO ENTER JUDGMENT in favor of Plaintiffs/the Funds and against Defendant Kattenbraker in the total amount of \$12,090.40**. That total is comprised of \$10,076.96 in delinquent contributions, \$1,007.69 in liquidated damages, \$407.00 in attorneys' fees, and \$598.75 in court costs.

IT IS SO ORDERED.

DATED January 27, 2011.

s/Michael J. Reagan
Michael J. Reagan
United States District Judge