

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

**EMPLOYERS AND OPERATING
ENGINEERS LOCAL 520 PENSION
FUND, et al.,**

Plaintiffs,

Case No. 3:13-cv-00501 DRH-PMF

v.

GREEN TRAC, LLC,

Defendant.

JUDGMENT

Plaintiffs filed this action on May 30, 2013 to recover from defendant Green Trac, LLC delinquent fringe benefit contributions and liquidated damages owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2) ("ERISA") and pursuant to the Labor Management Relations Act, 29 U.S.C. §185 ("LMRA"). Defendant was served with the summons and complaint on July 9, 2013 and has not filed an answer or responsive pleading.

Under the applicable collective bargaining agreement, an audit was performed on the records of defendant for the period of January 1, 2010 through September 30, 2013. The audit revealed that defendant failed to remit contributions in the total amount of \$35,342.60. In addition, ten percent (10%) liquidated damages were assessed. Defendant owes \$3,534.26 in liquidated damages.

The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), also require defendant to pay plaintiffs' attorneys' fees and court costs. Plaintiffs incurred attorneys' fees in the amount of \$945.00 and costs in the amount of \$820.28. The

collective bargaining agreement also requires defendant to pay the fee for an audit to be performed. Plaintiffs' were billed \$1,250.00 for the audit.

The total amount owed by defendant to plaintiffs is \$41,892.14.

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment is granted.

IT IS HEREBY ORDERED that the Clerk of the Court shall enter judgment by default in favor of plaintiffs and against defendant Green Trac, LLC in the amount of \$41,892.14.

SO ORDERED:

  David R. Herndon
2013.12.27
16:10:25 -06'00'

**Chief Judge
United States District Court**

DATE: December 27, 2013