

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

**EMPLOYERS & CEMENT MASONS
#90 HEALTH & WELFARE FUND and
EMPLOYERS AND CEMENT MASONS
#90 PENSION FUND,**

Plaintiffs,

v.

**SCHALTENBRAD CONSTRUCTION
INC.,**

16-0776-DRH

Defendant.

MEMORANDUM and ORDER

HERNDON, District Judge:

Now before the Court is plaintiffs' motion for default judgment (Doc. 20). Based on the following, the Court **DENIES at this time** the motion.

A review of the pleadings, reveals that plaintiffs failed to comply with Local Rule 55.1. Local Rule 55.1(a) requires the moving party to: (1) "give notice of the entry of default to the defaulting party by regular mail sent to the last known address of the defaulted party," and (2) "certify to the Court that notice has been sent." Further, Local Rule 55.1(b) requires that the motion seeking default judgment "shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the moving party knows, or reasonably should know, the identity of an attorney

thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.”

Here, plaintiffs failed to certify in the motion that they mailed a copy of the motion for default judgment to defendant’s attorney, or that in the alternative, that plaintiffs are unaware that defendant is represented by counsel, generally. Accordingly, the Court **DENIES** the motion for default judgment (Doc. 20). The Court **ALLOWS** plaintiffs to file a new motion that comports with this Order and the Local Rule on or before June 9, 2017.

IT IS SO ORDERED.

Signed this 25th day of May, 2017.

  Judge Herndon
2017.05.25
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United States District Judge