

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ELECTRICIANS PENSION FUND IBEW
995 AND ELECTRICIANS HEALTH AND
WELFARE FUND IBEW 995,
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL
UNION 995

CIVIL ACTION

NUMBER 09-88-FJP-DLD

VERSUS

SERVICE PLUS, L.L.C.

RULING

Having considered plaintiffs' motion for default judgment,¹ the Court finds that the default judgment should be granted as to liability as a matter of law under the facts of this case. Therefore, a default judgment is hereby entered against Service Plus, L.L.C. and in favor of the Electricians Pension Fund IBEW 995, Electricians Health and Welfare Fund IBEW 995, and International Brotherhood of Electrical Workers Local Union 995. Plaintiffs are entitled to a payroll audit. The defendant shall not obstruct the audit permitted by the Court. If the audit shows Service Plus, L.L.C. owes contributions, plaintiffs may supplement their motion for default judgment with the amount of contributions, liquidated damages or interest, the cost of the audit, and the

¹Rec. Doc. No. 12.

attorneys' fees which may be due.

The plaintiffs shall submit a proposed judgment in accordance with this ruling on or before July 31, 2009, if the plaintiffs want a Rule 54(b) judgment entered. The Court will, on plaintiffs' request, issue a Rule 54(b) judgment as to liability only pending completion of the audit. The Court will then consider the issue of damages. If the plaintiffs do not wish to have a Rule 54(b) judgment entered on liability, the Court will wait until the damages issue is resolved to enter a final judgment.²

Plaintiffs shall also advise the Court on or before July 31, 2009, when the damages issue will be submitted to the Court.

Baton Rouge, Louisiana, July 22, 2009.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

²The Court may only consider an amendment to a final judgment if the judgment provides that the Court will maintain jurisdiction in the case to properly enforce its ruling that a default judgment should be granted.