

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL 194 ET AL

CIVIL ACTION NO: 12-1820

VERSUS

JUDGE DONALD E. WALTER

C K BUILDERS & ELECTRICAL, LLC

MAGISTRATE JUDGE HAYES

ORDER

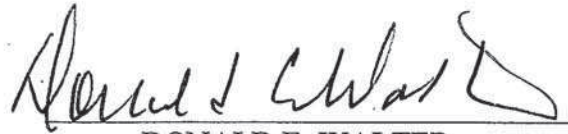
Before the court is a Motion for Summary Judgment [Doc. #21] filed by the Plaintiffs, Shreveport Electrical Health & Welfare Fund, Shreveport Electrical Industry Profit Sharing Plan, Shreveport Joint Apprenticeship & Training Fund, National Electrical Benefit Fund, and Local 194 International Brotherhood of Electrical Workers. Defendant, C K Builders & Electrical LLC, chose not to file an opposition. [Doc. #26].

Despite the failure of the Defendant to file an opposition summary judgment may not be awarded simply by default. *Hetzel v. Bethlehem Steel Corp.*, 50 F.3d 360, 362 n.3 (5th Cir. 1995). However, in determining whether summary judgment is proper this court may accept as undisputed all facts set forth in the unopposed motion. *See Eversley v. M Bank Dallas*, 843 F.2d 172, 174 (5th Cir. 1988). Local Rule 56.2 states "all material facts set forth in the statement required to be served by the moving party will be deemed admitted, for purposes of the [summary judgment] motion, unless controverted as required by this rule."

The court has reviewed Plaintiffs' motion, attached exhibits, legal arguments, and the facts as contained within Plaintiffs' statement of uncontested facts. Upon due consideration thereof, and finding the facts of this case are similar to those presented in *J. Valley Electric, Inc. v. NLRB*, 337

F.3d 446 (5th Cir. 2003), Plaintiffs' motion for summary judgment is hereby **GRANTED**. Plaintiffs are instructed to file a proposed judgment within fourteen days of this order.

THUS DONE AND SIGNED, this 24 day of February, 2014.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE