

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MAN-U SERVICE CONTRACT
TRUST FUND,

Plaintiff,

v.

TELTARA, INC.

Defendant.

Civil Action No.: ELH-11-1244

MEMORANDUM

On May 10, 2011, Man-U Service Contract Trust Fund, plaintiff, an employee benefit fund, filed suit against defendant Teltara, Inc., d/b/a Teltara, LLC, pursuant to the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 185, and the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. §§ 1132(c)(2) and 1145. ECF 1. Defendant was served on May 16, 2011, as indicated by the return of service filed on May 23, 2011. ECF 4. However, the defendant failed to file an answer or otherwise defend. Accordingly, plaintiff filed a “Request For Entry Of Default,” ECF 5, which the Clerk granted on June 24, 2011. ECF 6. Thereafter, on August 5, 2011, plaintiff filed a Motion For Default Judgment, pursuant to F.R. Civ. P. 55. ECF 7. In the Motion, plaintiff seeks damages against defendant in the amount of \$14,541.74, which includes liquidated damages totaling \$10,209.85; interest in the amount of \$1,606.89; attorneys’ fees of \$2,320.00; and litigation costs of \$405.00.

Plaintiff alleges that the defendant, a maintenance and cleaning contractor based in Scottsdale, Arizona, is an employer engaged in an industry affecting commerce and is an employer within the meaning of § 3(5) of ERISA. ECF 1. Further, according to plaintiff, defendant is a signatory to a CBA with the Public Service Employees, Local No. 571, Laborers

International Union of North America, AFL-CIO (the “Union”) and is therefore bound by the terms of this CBA as well as terms of the Agreement and Declaration of Trust establishing the employee benefit fund. *Id.* According to plaintiff, defendant was obligated to file timely contribution reports and to make timely contributions to the fund on behalf of its Union members, but failed to do so between December 2007 and July 2010. ECF 1, ¶ 8.

On August 31, 2011, the matter was referred to Magistrate Judge Beth Gesner for a Report and Recommendation as to the pending default judgment motion. ECF 9. On September 30, 2011, Judge Gesner issued her Report and Recommendation, ECF 16, in which she made the following recommendations: that the Court grant plaintiff’s motion for default judgment under F.R. Civ. P. 55; that the Court award plaintiff liquidated damages and interest in the amount of \$11,787.98; that the Court award plaintiff attorneys’ fees of \$2,320.00; and that the Court award plaintiff costs of suit, in the sum of \$405.00.

Pursuant to the Report, any objections must be served and filed within fourteen (14) days, pursuant to F.R. Civ. P. 72(b) and Local Rule 301.5(c). No objections have been received.

In accordance with F.R. Civ. P. 72(b), I have reviewed the record and made a *de novo* determination of the issues to which the Report and Recommendation relates. I find that Judge Gesner’s proposed rulings are correct in all respects. Accordingly, I adopt the Report and Recommendation as my own.

A separate Order follows.

Date: October 18, 2011

/s/ _____
Ellen Lipton Hollander
United States District Judge

