

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ELECTRICAL WORKERS PENSION TRUST
FUND OF LOCAL UNION #58, IBEW, et al.,

Plaintiffs,

v.

Case No. 08-CV-11193

HIGH LINE ELECTRIC, LLC, et al.

Defendants.

ORDER GRANTING PLAINTIFFS' AMENDED MOTION FOR ATTORNEYS' FEES

Pending before the court is Plaintiffs' "Amended Motion for Attorneys' Fees and Costs." Plaintiffs' filed their complaint on March 19, 2008, seeking, under Section 515 of the Employee Retirement Income Security Act of 1974 ("ERISA"), to have Defendants provide records for auditing and to have Defendants pay the amounts due, if any, revealed through the audit. (Compl. at 3.) Defendants did not file an answer to the complaint after valid service and Plaintiffs moved for an entry of default judgment on January 26, 2009. The court held a default judgment hearing on February 12, 2009 and granted Plaintiffs' motion against all Defendants.

The court issued a judgment, which included that "Defendants shall pay to plaintiffs all costs, interest, and attorneys' fees incurred in bringing and prosecuting this present action." (2/13/09 Judgment at 2.) Indeed, in the ERISA context, 29 U.S.C. § 1132(g)(2) requires that when "a judgment in favor of the plan is awarded, the court shall award . . . reasonable attorney's fees and costs of the action, to be paid by the

defendant.” 29 U.S.C. § 1132(g)(2)(D). The court has reviewed Plaintiffs’ accounting of attorney’s fees and costs, totaling \$3586.00,¹ and finds them to be reasonable.

Accordingly, IT IS ORDERED that Plaintiffs’ “Amended Motion for Attorneys’ Fees and Costs” [Dkt. # 23] is GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 24, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 24, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹ Calculated at the rate of \$150.00 per hour for 8.1 hours of work, \$190.00 per hour for 7.6 hours of work, and \$927.00 in costs.