

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

Trustees of the
BRICKLAYERS PENSION TRUST FUND
– METROPOLITAN AREA;
BRICKLAYERS AND TROWEL TRADES
INTERNATIONAL RETIREMENT
SAVINGS PLAN; BRICKLAYERS
HOLIDAY TRUST FUND,
METROPOLITAN AREA; TROWEL
TRADES HEALTH AND WELFARE
FUND, DETROIT AND VICINITY,
BRICKLAYERS AND TROWEL TRADES
INTERNATIONAL PENSION FUND;
DETROIT METROPOLITAN MASONRY
JOINT APPRENTICESHIP AND
TRAINING COMMITTEE; and the
BRICKLAYERS INTERNATIONAL
MASONRY INSTITUTE;

Plaintiffs,

vs.

Case No. 10-cv-14061
Hon. George Caram Steeh

STATE WIDE CAULKING COMPANY,
a Michigan corporation, and FRANK
PERCHA, an individual, d/b/a PERCHA
CAULKING.

Defendants.

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AMENDED DEFAULT JUDGMENT

THIS MATTER CAME before the Court on Plaintiffs' Motion for the Entry of a Default Judgment. The Court, being fully advised in the premises, finds that:

1. The Summons and Complaint were served on the Defendants Statewide Caulking and Frank Percha d/b/a Percha Caulking on December 6, 2010. The proofs of service are on file with the Court.

2. Defendants did not file an answer or take any other action to defend themselves with 20 days following the service of process.

3. Defendants have not filed an answer, or taken any such action as may be permitted by law within twenty (20) days of service.

4. Defendants are not infants, or incompetent persons, or engaged in the military service.

5. A Clerk's Entry of Default was entered against Defendants on January 21, 2011.

6. That Frank Percha, an individual, d/b/a Percha Caulking, is the alter-ego of Statewide Caulking.

7. That Defendant Frank Percha is personally liable under the Michigan Builders Trust Fund (MBTFA) and the Employee Retirement Income Security Act (ERISA) for the failure of Statewide Caulking and Percha Caulking's to pay fringe benefits to the Plaintiffs.

ACCORDINGLY, IT IS ORDERED that Plaintiffs shall have judgment against Defendants Statewide Caulking and Frank Percha, an individual, d/b/a Percha Caulking, jointly and severally, for all amounts revealed as owing by audit, as well as interest thereon at the rate of 12% per annum from the due date of the contributions, and liquidated damages, as well as costs of the audit and statutory attorneys fees, all pursuant

to 29 U.S.C. 1132(g)(2) with the exception of fringe benefit contributions due for Frank Percha himself, which he has waived all claims to.

IT IS ALSO ORDERED that Defendants shall submit to an audit as to all periods during which contribution reports have not been filed and to which an audit has not been performed;

IT IS ALSO ORDERED that the Court shall retain jurisdiction of this matter pending satisfaction of this judgment and/or compliance with any additional orders.

s/George Caram Steeh
United States District Judge

Dated: August 12, 2011