

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUSTEES OF MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS' EMPLOYEE  
BENEFITS FUND, et al.

Plaintiffs,

Case No. 15-cv-10260  
Hon. Matthew F. Leitman

v.

PRATER COMMERCIAL GROUP,  
INCORPORATED, et al.,

Defendants.

---

**AMENDED ORDER FOR 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 Defendants Prater Commercial Group, Inc. d/b/a Prater Commercial Carpentry ("Prater") and Rodney Prater on January 28, 2015. The proofs of service are on file with the Court (Dkt. 5 & 6).
2. Defendants did not file an answer or take any other action to defend themselves within 21 days following the service of process.
3. Defendants are not infants or incompetent persons.

4. A Clerk's Entry of Default was entered against Defendants Prater and Rodney Prater on February 20, 2015 (Dkt. 8).

5. Default Judgment was entered against Defendants Prater and Rodney Prater on March 19, 2015 (Dkt. 10).

**ACCORDINGLY, IT IS ORDERED** that Plaintiffs shall have judgment against Defendants Prater and Rodney Prater, pursuant to 29 U.S.C. 1132(g)(2) in the amount of \$237,739.01, consisting of \$236,777.51 for unpaid fringe benefit contributions together with liquidated damages thereon, accumulated interest, court costs of \$471.50, and attorneys fees of \$490.00. Additionally, Plaintiffs shall, upon filing a copy of the auditor's report and the appropriate affidavit(s) of a person (or persons) with knowledge, have amended judgment against the Defendants for all contribution amounts as are found to be due upon an updated audit, as well as interest thereon, at the rate of 12% per annum from the due date of the paid contributions, liquidated damages at the rate of 10% of all delinquent amounts pursuant to Plaintiffs' resolutions, policies and procedures, and the provisions of the parties' collective bargaining agreement, as well as costs of the audit and statutory attorneys fees, all pursuant to 29 U.S.C. 1132(g)(2).

**IT IS FURTHER ORDERED** that Defendants, within 30 days of the date of this Order, shall submit their books and records, as requested by the auditor.

**IT IS FURTHER ORDERED** that if Defendants fail to submit the aforesaid books and records within said time period, the U.S. Marshals, or such other authorized representative of this Court, is hereby authorized to seize same and deliver them to Plaintiffs.

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

**IT IS SO ORDERED.**

/s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: May 12, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 12, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
(313) 234-5113