

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THE TRUSTEES OF THE TILE, MARBLE AND TERRAZZO INDUSTRY INSURANCE FUND; TILE, MARBLE AND TERRAZZO INDUSTRY PENSION FUND; BRICKLAYERS AND TROWEL TRADES INTERNATIONAL PENSION FUND; TILE, MARBLE, AND TERRAZZO INDUSTRY JOINT TRAINING FUND; LABOR MANAGEMENT FUND; INTERNATIONAL MASONRY INSTITUTE; INDUSTRY PROMOTION FUND; INTERNATIONAL PPA FUND; TILE, MARBLE AND TERRAZZO INDUSTRY SUPPLEMENTAL UNEMPLOYMENT BENEFIT FUND; TILE, MARBLE AND TERRAZZO INDUSTRY VACATION AND HOLIDAY FUND; TILE, MARBLE AND TERRAZZO ANNUITY FUND; BRICKLAYERS AND ALLIED CRAFTWORKERS LOCAL NO. 2,

Plaintiffs,

Case No. 16-11057

v.

HON. AVERN COHN

PHILLIPS TILE & MARBLE, INC., a Michigan corporation, THE STUART COMPANY, a Michigan corporation, KOZEY HOMES, LLC, a Michigan limited liability company, MK TILE AND STONE INC., a Michigan corporation, L&M TILE COMPANY, INC., a Michigan corporation, PROFESSIONAL TILE, INC., a Michigan corporation, KOZEY TILE & MARBLE, LLC, a Michigan limited liability company, PHILLIP M. KOZEY, an individual, JANET KOZEY, an individual, MARK KOZEY, an individual, TOD KOZEY, an individual, ERIK KOZEY, an individual, and JOHN KOZEY, an individual, jointly and severally,

Defendants.

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**ORDER GRANTING MOTION TO SET ASIDE DEFAULT JUDGMENT AGAINST ERIK KOZEY AND TODD KOZEY (Doc. 35) AND REQUIRING AN ANSWER TO THE COMPLAINT WITHIN 21 DAYS**

This is an ERISA case. Plaintiffs, Trustees of various pension and welfare funds, are suing defendants contending that they have failed to make required contributions to

the funds. Plaintiffs named several defendants, including Tod Kozey and Erik Kozey.

Before the Court is Todd Kozey and Erik Kozey's motion to set aside the default judgment. (Doc. 35). Although Todd Kozey is not a named defendant, he is purportedly the son of named defendant Tod Kozey and the brother of named defendant Erik Kozey. The Clerk entered a default against Tod Kozey and Erik Kozey. (Doc. 20). Subsequently, the Court entered a default judgment against Tod Kozey, Erik Kozey, and others. (Doc. 32).

Plaintiffs do not oppose setting aside the default judgment. See Doc. 38.

The motion is GRANTED. See Fed. R. Civ. P. 55(c), Fed. R. Civ. P. 60(b).

Erik Kozey and Todd Kozey shall file an answer to the complaint within twenty-one (21) days of the date of this order.

The parties may submit an amended scheduling order extending dates as necessary.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 15, 2017  
Detroit, Michigan