

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Civil File No. 09-1976 MJD/JJG

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Gary Reed and Tom Vevea, as Trustees of the Minnesota Laborers Health and Welfare Fund and Minnesota Laborers Pension Fund; James Brady and Keith Kramer, as Trustees of the Minnesota Laborers Vacation Fund; Gary Reed and John Bartz, as Trustee of the Construction Laborers' Education, Training, and Apprenticeship Fund of Minnesota and North Dakota; and Dan Olson and Chris Born, as Trustees of the Minnesota Laborers Employers Cooperation and Education Trust; and each of their successors,

Plaintiffs,

vs.

**ORDER**

EnviroTech Remediation Services, Inc.,

and

Lindstrom Cleaning & Construction, Inc.,  
d/b/a Lindstrom Restoration, and  
Lindstrom Environmental, Inc.,

Defendants.

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This matter came before the District Court upon Plaintiffs' Motion for Partial Summary Judgment, or in the Alternative, Entry of Default Judgment with regards solely to Count I of Plaintiffs' Amended Complaint. Pamela H. Nissen, Esq., Ruth S. Marcott, Esq., and Natalie W. Kohner, Esq. appeared for Plaintiffs. Defendant EnviroTech Remediation Services, Inc. did not appear. Timothy A. Sullivan, Esq. and Sarah E. Crippen, Esq. appeared for Defendants Lindstrom Cleaning & Construction, Inc. and Lindstrom Environmental, Inc.

Based on all the records and proceedings herein, including the written and oral submissions of counsel:

1. Plaintiffs' Motion for Partial Summary Judgment, or in the Alternative, Entry of Default Judgment is granted in its entirety as to Count I.

2. Per the fringe fund reports submitted by Defendant EnviroTech Remediation Services, Inc. for the months of May 2009 through August 2009, Plaintiffs are entitled to a money judgment in the amount of \$149,349.84 for fringe benefit contributions and \$34,753.31 in double interest for the period of May 2009 through August 2009.

It is HEREBY ORDERED that Plaintiffs are entitled to partial judgment against Defendant EnviroTech Remediation Services, Inc., in the amount of \$184,103.15 for fringe benefit contributions and double interest. No judgment is entered at this time with regards to Count II or III of Plaintiffs' Amended Complaint.

**LET JUDGMENT BE ENTERED ACCORDINGLY,**

Dated: January 7, 2011

BY THE COURT

s/ Michael J. Davis  
Michael J. Davis, Chief Judge  
United States District Court