

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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James Bigham, et al.,

Plaintiffs,

vs.

ORDER

Lockco, L.L.C.,

Defendant.

Civ. No. 12-1892 (JNE/LIB)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

1. The Plaintiffs' motion for default judgment and injunctive relief [Docket No. 11] is **GRANTED** .

2. Defendant is to submit to Plaintiffs complete monthly remittance reports for the period of July 2012 through the present that correctly identify the hours worked by its employees pursuant to the Collective Bargaining Agreement within 14 days of service of the Order adopting this Report and Recommendation. The required reports shall be submitted to Plaintiffs at 1681 Cope Avenue, Suite A, Maplewood, MN 55109.

3. Defendant is in default, and it appears that Plaintiffs are entitled to judgment against Defendant for delinquent fringe benefit contribution payments, together with interest, liquidated damages of the unpaid contributions, and the reasonable attorney fees and costs of this action.

4. The Court will not enter judgment at this time but will determine the total amount of contributions, interest, liquidated damages, and attorneys' fees and costs after the parties further submissions as follows:

- a. After receiving the outstanding fringe benefit reports, the Plaintiffs may file and serve a Motion for Entry of a Money Judgment in the amount the Plaintiffs determine that the Defendant owes for delinquent contributions, interest, liquidated damages for the delinquency period, as well as reasonable attorneys' fees and costs.
- b. The Defendant may then file and serve a response to the Plaintiffs' Motion within ten (10) days of the date the Plaintiffs' Motion is served.
- c. The Court will examine the parties' submissions and issue an order for judgment as the Court deems appropriate. No hearing will be held unless the Court orders otherwise.

5. That the Plaintiffs' counsel shall mail a copy of the Final Order to Defendant at its last known address by both first class mail and by certified mail, return receipt requested.

BY THE COURT:

DATED: February 15, 2013

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge