

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARPENTERS' DISTRICT COUNCIL)
OF GREATER ST. LOUIS)
AND VICINITY, et al.,)
)
Plaintiffs,)
)
vs.)
)
DIVERSIFIED DRYWALL SYSTEMS,)
INC.,)
Defendant.)

Case No. 4:10CV2117MLM

MEMORANDUM OPINION

This matter is before the court on plaintiffs' Motion for Default Judgment. [Doc. 16] This is an action to collect delinquent fringe benefit contributions pursuant to the Employee Retirement Income Security Act ("ERISA") 29 U.S.C. § 1132, on behalf of Fringe Benefit Funds affiliated with the Carpenters' District Council of Greater St. Louis (the "District Council").

Defendant Diversified Drywall Systems, Inc. was served with the Summons and Complaint on November 15, 2010. As of this date no Answer has been filed. The Clerk entered defendant's default on January 25, 2011. Plaintiffs sought an order compelling defendant to submit to a payroll audit. This Motion was granted on March 22, 2011.

Defendant is party to a collective bargaining agreement with the District Council which requires the payment of fringe benefit contributions through the purchase of fringe benefit stamps. The collective bargaining agreement to which defendant is bound requires the payment of 20% liquidated damages on delinquent

contributions, plus 10% interest. The agreement also requires delinquent employers to pay the Funds' attorneys' fees and court costs.

Plaintiffs performed an audit of defendant's records for the period of May, 2009 through the week ending March 29, 2011. Based on the audit, defendant owes \$8,127.02 in contributions for this period. In addition, \$1,625.40 in liquidated damages and \$922.23 in interest is owed through July 31, 2011. Attorneys' fees and costs amount to \$1,012.00.

For the foregoing reasons, plaintiffs' Motion for Default Judgment should be granted (Doc. 16). Plaintiffs are entitled to a judgment of \$11,686.75 which consists of \$8,127.02 in delinquent fringe benefit contributions, \$1,625.40 in liquidated damages, \$922.23 in interest and \$1,012.00 in legal fees and costs.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of August, 2011.