

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PAINTERS DISTRICT COUNCIL	)	
NO. 2, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 4:13-cv-00968 RWS
	)	
KLA PAINTING, LLC, <i>et al.</i>	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER FOR FULL DEFAULT JUDGMENT**

This matter is before the Court on Plaintiffs' Motion for Partial Default Judgment against Defendants KLA Painting, LLC, and Kevin Ar-Razzaaq, (hereinafter "Defendants"). Plaintiffs filed this action on May 21, 2013, under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132 and 1145, and the Labor Management Relations Act, 29 U.S.C. § 185. The complaint alleges Defendants have failed to make an accounting and to fully pay several employee benefit funds and contributions due under the collective bargaining agreement between Defendants and its employees' union. Plaintiffs are the union and the trustees, sponsors, and/or fiduciaries of the various funds.


The Clerk of Court entered an order of default against the Defendants on June 21, 2013. [Doc. #8]. Plaintiffs have since dismissed the cause of action asserted against Kevin Ar-Razzaaq in his personal capacity. [Doc. #20].

When the Clerk of Court has entered default against a defendant, the "allegations of the complaint except as to the amount of damages are taken as true." Mueller v. Jones, No. 2:08CV16 JCH, 2009 WL 500837, at \*1 n.2 (E.D. Mo. Feb. 27, 2009) (quoting Brown v. Kenron Aluminum & Glass Corp., 477 F.2d 526, 531 (8th Cir. 1973)). Accordingly, in deciding the present motion

for default judgment, the Court accepts as true the factual allegations contained in Plaintiffs' Complaint together with those affidavits presented in the Plaintiffs' Motion and Memorandum in Support.

Based on those allegations and accompanying affidavits, Plaintiff are entitled to the relief requested. Upon review of the record,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for Full Default Judgment against the remaining Defendant KLA Painting, LLC is **GRANTED**, in the amount of \$16,328.70 with post judgment interest accruing.

  
HON. RODNEY W. SIPPEL  
UNITED STATES JUDGE

Dated this 25<sup>th</sup> day of March, 2014.