

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

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
Plaintiffs,)
)
vs.)
)
MO MAIN CONSTRUCTION, LLC.,)
)
Defendant.)

Case No. 4:14-CV-2113-JAR

MEMORANDUM AND ORDER

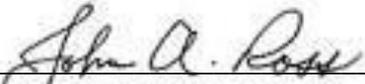
This matter is before the Court upon review of the file. On December 30, 2014, Plaintiffs filed their complaint against Defendant Mo Main Construction, LLC (“Mo Main”) for violations of the Employee Retirement Income Security Act of 1974 (Doc. 1). However, while Plaintiffs appropriately indicated Mo Main in the caption of the complaint, they failed to correctly identify Mo Main in the body of the complaint; the complaint instead referred to Metro Building Solutions (Doc. 1 at ¶6). Therefore, although Mo Main failed to answer or otherwise respond to Plaintiffs’ complaint, the Court denied Plaintiffs’ Motion for Default Judgment, vacated the Clerk’s entry of default, and directed Plaintiffs to file an amended complaint (Doc. 8). Plaintiffs filed an amended complaint on February 11, 2015 (Doc. 11) and again requested clerk’s entry of default and default judgment (Doc. 12). On March 17, 2015 Clerk’s entry of default was entered (Doc. 15). However, although Plaintiffs’ amended complaint was filed within 21 days of the original pleading, personal service was not properly effected upon a proper Defendant. FED. R. Civ. P. 15(a)(1)(A). Therefore, the Court denied Plaintiffs’ Motion for Default Judgment, vacated the Clerk’s entry of default, and directed Plaintiffs to effect personal service of the

amended complaint upon the Defendant before seeking clerk's entry of default or default judgment. As of April 18, 2015, the record reflects proper service on Defendant of the amended complaint (Doc. 18). Defendant failed to answer or otherwise respond to the amended complaint and the Clerk of Court entered default on May 8, 2015. However, since that time there has not been any activity in the case.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs have until **July 13, 2015** to file an appropriate Motion for Default Judgment.

Dated this 7th day of July, 2015.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE