

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

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, an employee)
benefit plan, and BRANDON FLINN, DANNY)
JENKINS, JOHN EREMITA, CHARLES)
BEAN, DONALD WILLEY, GARY ELLIOTT,)
JAY SCHULTEHENRICH, DAVID A. GILLICK,)
BRAD GRANT, MICHAEL LUTZ, ADAM)
KNOEBEL and NORMAN MERLO, Trustees of the)
Greater St. Louis Construction Laborers Welfare Fund,)
and CONSTRUCTION LABORERS PENSION)
TRUST OF GREATER ST. LOUIS, an employee)
benefit plan, and, JEFFREY O’CONNELL, RICHARD)
McLAUGHLIN, JOHN EREMITA,)
CHARLES BEAN, DONALD WILLEY, GARY)
ELLIOTT, LOU GRASSE, JOSEPH LERITZ,)
DOUG WACHSNIKT, JOE HOETTE, WILLIAM L.)
LUTH and DONALD C. GRANT, Trustees of the)
Construction Laborers Pension Trust of Greater St.)
Louis, and ST. LOUIS VACATION FUND –)
VACATION PLAN, an employee benefit plan, and)
GARY ELLIOTT, BRANDON FLINN, JOHN)
EREMITA, JAY SCHULTEHENRICH, NORMAN)
MERLO and WILLIAM L. LUTH, Trustees of the)
St. Louis Vacation Fund – Vacation Plan, and)
AGC–EASTERN MISSOURI LABORERS’ JOINT)
TRAINING FUND, an employee benefit plan, and)
PATRICK R. PRYOR, DONALD WILLEY,)
PERRI PRYOR, GARY ELLIOTT, RICHARD)
McGUIRE, BRANDON FLINN, JOHN B.)
MORGAN, PHIL HOCHER, ROBERT J.)
WESOLICH, JOE SCARFINO,)
CLIFF LAND, and JOHN J. SMITH, SR.,)
Trustees of the AGC–Eastern Missouri Laborers’)
Joint Training Fund, and LOCAL UNION NOS.)
42-53-110, LABORERS INTERNATIONAL)
UNION OF NORTH AMERICA, AFL-CIO,)
labor organizations,,)
))
Plaintiffs,)
))
v.)
))
CENTURY BUILDING GROUP, LLC,)

No. 4:14-CV-2119 CAS

a Missouri Limited Liability Company, d/b/a)
JOHNSON CEMENT & FINISHING)
)
Defendant.)

DEFAULT JUDGMENT

Plaintiffs filed this action to recover, among other things, delinquent contributions, liquidated damages, and interest allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§ 185 and 1132. Plaintiffs also seek to recover accounting fees, attorneys' fees, and costs incurred in this action, and an order requiring defendant to submit its June 2015, July 2015, August 2015, September 2015 and October 2015 reports with any contributions and liquidated damages.

Plaintiffs move for default judgment, submitting in support of their motion a memorandum, exhibits, and the affidavits of payroll auditor Steve Mule with exhibits, St. Louis Construction Laborers Benefits Funds Controller Ron Graves with exhibits, and attorney Nathan K. Gilbert. No response has been filed to plaintiffs' motion, and the time to respond has passed. Based upon plaintiffs' motion, the Court finds the following:

A financial examination was performed on defendant's financial records pursuant to the applicable collective bargaining agreements for the period of October 1, 2013 through January 31, 2015. The financial examination revealed that defendant had failed to report and pay fringe benefit contributions on 779.50 hours worked by employees. Based on the report issued by the accountants, plaintiffs determined that defendant owes \$11,429.70 in contributions, \$2,285.94 in liquidated damages, and \$464.49 in interest. In addition, defendant failed to submit its report form and the necessary contributions and liquidated damages for the months of June, July, August, September and October 2015, and submitted its December 2013 report and contributions late, incurring an additional \$380.01 in liquidated damages.

The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), require defendant to pay attorneys' fees, accounting fees, and costs. Plaintiffs incurred \$1,147.50 in accounting fees, \$2,779.00 in attorneys' fees, and \$459.54 in court costs and process server fees. Based on the evidence presented, the Court finds the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, the rates charged were reasonable, and the amount sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs during this time period is \$18,946.18.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment is **GRANTED**.

[Doc. 20]

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiffs and against defendant Century Building Group, LLC, d/b/a Johnson Cement & Finishing, in the total amount of Eighteen Thousand Nine Hundred Forty-Six Dollars and Eighteen Cents (\$18,946.18).

IT IS FURTHER ORDERED that defendant shall submit to the plaintiff Funds its reports and any owed contributions and liquidated damages for the months of June, July, August, September, and October of 2015.

SO ORDERED:



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 4th day of January, 2016.