

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, an employee)
benefit plan, et. al,)
)
Plaintiffs,)
)
vs.) Case No. 4:17-cv-00219-AGF
)
ZOIE LLC, d/b/a DANA HOWARD)
CONSTRUCTION, an Illinois)
limited liability company,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ motion (ECF No. 17) for default judgment, which Plaintiffs have supplemented (ECF No. 20) pursuant to the Court’s January 24, 2018 Order to Show Cause. Plaintiffs filed this action to obtain an accounting of Defendant’s financial records and to recover unpaid delinquent contributions owed to Plaintiffs, employee benefit funds, pursuant to the Labor Management Relations Act, 29 U.S.C. § 185, and the Employee Retirement Income Security Act, 29 U.S.C. § 1132.


On February 22, 2017, a Clerk’s Entry of Default was entered as to Defendant. In their motion for default judgment, as supplemented, Plaintiffs seek judgment against Defendant in the amounts of \$22,785.14 in unpaid contributions, \$30,938.20 in liquidated damages for untimely and unpaid contributions, \$880.11 in interest, \$1,117.50 in payroll examination fees, and \$3,337.12 in attorney’s fees and costs. Plaintiffs have provided adequate documentation supporting their request for these damages.

“Where default has been entered, the allegations of the complaint, except as to the amount of damages are taken as true.” *Carpenters’ Dist. Council of Greater St. Louis & Vicinity v. Hard Rock Found., LLC*, No. 4:13CV01549 AGF, 2013 WL 6037097, at *2 (E.D. Mo. Nov. 14, 2013). “In determining the amount of damages for a default judgment in an ERISA case brought by a plan against an employer, the court may rely on detailed affidavits or documentary evidence to determine the appropriate sum for the default judgment.” *Painters Dist. Council 2 v. Grau Contracting, Inc.*, No. 4:10CV02339 AGF, 2012 WL 2848708, at *1 (E.D. Mo. July 11, 2012). A plaintiff is entitled to recover all of the principal contributions owed pursuant to the payroll examination, plus liquidated damages totaling twenty percent of the delinquency, interest, attorneys’ fees, and costs. *See* 29 U.S.C. § 1132(g)(2)(E). Damages must be proven by a preponderance of the evidence. *See Iron Workers St. Louis Dist. v. Arrow Fence, Inc.*, No. 4:11CV02019 AGF, 2013 WL 991658, at *2 (E.D. Mo. Mar. 13, 2013). Plaintiffs have met their burden here.

Upon review of the record,

IT IS HEREBY ORDERED that Plaintiffs’ motion for default judgment is **GRANTED**.
ECF No. 17.

An appropriate Judgment showing Defendant’s full liability of \$59,058.07 shall accompany this Memorandum and Order.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 5th day of February, 2018.