

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL NO. 58, et al., <sup>1</sup>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:17 CV 1271 JMB
	)	
	)	
JOHNED, INC. and EDWARD BENSON,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs’ Motion for Entry of Default Judgment (“Motion”) against Defendants JohnEd and Edward Benson (“Defendants”). (ECF No. 23). Plaintiffs seek entry of default judgment in the amount of \$45,532.48. Plaintiffs’ requested recovery includes delinquent contributions, liquidated damages, attorney’s fees and costs incurred in this action during the period between January 1, 2015, and August 31, 2017.

In the August 18, 2017, Memorandum and Order, the Court granted Plaintiffs’ request for an accounting of corporate records for the period of January 1, 2015, through the date of the order, August 18, 2017. A review of Plaintiffs’ exhibits attached to the motion shows that the accountant analyzed the reporting of contributions to the fund for the period of January 1, 2015, to August 31, 2017. Accordingly,

---

<sup>1</sup> Plaintiffs are Painters District Council No. 58, Gregg Smith, *in his capacity as Business Manager of Painters District Council No. 58*, St. Louis Painters Pension Trust, St. Louis Painters Welfare Trust, St. Louis Painters Vacation Trust, Painters District Council No. 2 Apprenticeship and Journeyman Training Trust, *by and through*, Gregg Smith, David Doerr, Rich Lucks, Joseph F. Mueller, Carl Farrell, Donald Thomas, Daniel Wienstroer, Michael Smith, Walter Bazan, Jr., Steve Phillipp, Jr., Mark Borgmann, Dane McGraw, Joseph Keipp, Tim Weis, Fred Phillipp, Jr., *in their capacities as trustees* (collectively referred to as “Plaintiffs”).

**IT IS HEREBY ORDERED** that no later than September 17, 2018, Plaintiffs shall refile, if necessary, their motion and exhibits for the time period of January 1, 2015, to August 18, 2017, as ordered by the Court, making any necessary adjustments to their requested recovery.

Dated this 24th day of August, 2018.

/s/ *John M. Bodenhausen*

JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE