

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RANDALL HUGHES, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:17 CV 1500 RWS
)	
ILLINOIS TESTING SERVICES, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiffs filed this action on May 12, 2017 to recover from defendant Illinois Testing Services, Inc. delinquent fringe benefit contributions, union dues and attorneys’ fees and costs owed to the plaintiff benefit funds pursuant to the Employee Retirement Income Security Act, 29 U.S.C. §1132(g)(2) ("ERISA") and pursuant to the Labor Management Relations Act, 29 U.S.C. §185 ("LMRA"). Plaintiffs initially named Glenn M. Hoiney as a defendant, but he was subsequently dismissed from the suit. After defendant failed to appear, the Clerk of Court entered default as to defendant Illinois Testing Services Inc. on June 30, 2017. Before me now is plaintiffs’ uncontested motion for default judgment, which is supported by a memorandum of law, affidavits, and exhibits.

As established by plaintiffs in the motion for default judgment and accompanying materials, under ERISA (29 U.S.C. §1132(g)(2) and §1145) and the applicable collective bargaining agreement, defendant owes contributions of \$5,553.00 to the Training and Retraining Fund, \$905.13 to the Defined Contribution Pension Fund, and \$2,656.24 to Operating Engineers Local 112 for union dues. The trust agreement for the plaintiff Training and Retraining Fund, as well as

ERISA (29 U.S.C. §1132(g)(2)) also require defendant to pay plaintiffs' attorneys' fees and costs. According to the motion for default judgment, plaintiffs have incurred \$581.50 in legal fees and \$590.00 in costs. Based on the uncontroverted evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable. The total amount owed by defendant to plaintiffs is \$10,285.87.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment [8] is granted, and default judgment will be entered against defendant Illinois Testing Services, Inc., in the amount of \$10,285.87.

A separate Judgment in accordance with this Memorandum and Order is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2017.