

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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TRUSTEES OF THE NEW JERSEY  
B.A.C. HEALTH FUND, et al.,

Civil No. 16-5097 (NLM/KMW)

Plaintiffs,

v.

**ORDER**

JIM PETERSON CONSTRUCTION,

Defendant.

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THIS MATTER comes before the Court on Plaintiff's Motion for Default Judgment [Docket #5], and:

WHEREAS this is an ERISA suit to recover allegedly delinquent contributions to various funds pursuant to a collective bargaining agreement between Plaintiffs and Defendant; and

WHEREAS the Complaint seeks allegedly delinquent "dues check-offs" in the amount of \$133.35, however Plaintiffs' papers in support of their Motion for Default Judgment seek dues check-offs in the amount of \$210.83; and

WHEREAS the Court cannot grant default judgment in a sum greater than that which is sought in the Complaint;

ACCORDINGLY, it is on this 4th day of May, 2017,

**ORDERED** that:

Plaintiff's Motion for Default Judgment [Docket #5], shall be, and the same hereby is, **DENIED**; and it is further

**ORDERED** that within 30 days of the date of this Order, Plaintiffs shall either file an Amended Complaint reflecting the higher amount of dues check-offs sought, or file a second motion for default judgment conforming to the allegations of the original Complaint.

At Camden, New Jersey

    s/ Noel L. Hillman      
Noel L. Hillman, U.S.D.J.