

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOT FOR PUBLICATION

INTERNATIONAL UNION
OF PAINTERS AND ALLIED
TRADES DISTRICT COUNCIL 711
HEALTH & WELFARE, VACATION
AND FINISHING TRADES
INSTITUTE FUNDS et al.

Plaintiffs,

v.

R & S PAINTING &
DECORATING, INC.

Defendant.

Civil Action No. 11-2948 (ES)

ORDER

SALAS, DISTRICT JUDGE

This matter having come before the Court on Plaintiffs’ motion for default judgment (Docket Entry No., “D.E.” 9) pursuant to Federal Rule of Civil Procedure 55(b)(2), and the Court having considered Plaintiffs’ submissions, and it appearing that:

1. Plaintiffs commenced this action on May 23, 2011. (D.E. 1).
2. Service of a copy of the Summons and Complaint was effectuated upon R&S Painting & Decorating, Inc. (“Defendant”) on June 1, 2011. (D.E. 4).
3. Defendant has failed to timely answer or otherwise respond to the Complaint.
4. Plaintiffs requested that the Clerk enter default against Defendant on July 28, 2011. (D.E. 7).
5. The Clerk entered default against Defendant on July 29, 2011 for failure to plead or otherwise defend this action.
6. Plaintiffs moved for default against Defendant on February 3, 2012. (D.E. 9).

7. Plaintiffs have provided Defendant with notice of the motion for default judgment and related documentation. (D.E. 9-4).
8. To date, Defendant has not opposed Plaintiffs' motion for default judgment.

Accordingly, **IT IS** on this 4th day of April, 2012,

ORDERED that judgment is hereby entered against Defendant in favor of the Plaintiffs in the total amount of **\$33,518.88**, with interest as provided by law, comprised of the following amounts:

- (a) \$19,824.90 in unpaid contributions for the period of January 1, 2005 through December 31, 2008, (D.E. 9-1, Affidavit of Donna Lee Vitale in Support of Motion for Default Judgment, "Vitale Aff." ¶ 6 and Ex. D);
- (b) \$8,184.33 in interest, (*id.* ¶ 7 and Ex. F);
- (c) \$624.72 for the cost of the audit, (*id.* ¶ 6-7 and Ex. E);
- (d) \$3,964.98 in liquidated damages, (*id.* ¶ 7; *see* D.E. 6-4, Policy for the Collection of Delinquent Contributions ¶ E.1-3);
- (e) \$500.00 in attorneys' fees, (Vitale Aff. ¶ 11 and Ex. G);
- (f) \$419.95 in costs, (*id.*); and it is further

ORDERED that the Clerk shall mark this matter closed.

s/Esther Salas
Esther Salas, U.S.D.J.