

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**PLUMBERS LOCAL NO. 24 PENSION  
FUND, et al.,**

*Plaintiffs,*

v.

**W.J. POST, INC.,**

*Defendant.*

**Civil Action No. 16-1204**

**ORDER**

**ARLEO, UNITED STATES DISTRICT JUDGE**

**THIS MATTER** comes before the Court on Plaintiffs Plumbers Local No. 24 Pension Fund, Plumbers Local No. 24 Welfare Fund, Plumbers Local No. 24 Annuity Fund, Plumbers Local No. 24 Education Fund, Plumbers Local Union No. 24, and Trustee Patrick Kelleher's (collectively "Plaintiffs") motion for final judgment by default against Defendant W.J. Post, Inc. ("Defendant") pursuant to Federal Rule of Civil Procedure 55(b), Dkt. No. 6;

and it appearing that Plaintiffs' submissions for this motion consist of a notice of motion, a proposed order, an Affidavit of Proof of Non-Military Service, and an Affidavit of Andrew D. Borg that explains proof of service, see Dkt. No. 6 to 6-4;

and it appearing that L.Civ.R. 7.1(d)(1) also requires parties to submit a brief containing arguments of fact and law in support of their motions;

and it appearing that Plaintiffs therefore have not complied with L.Civ.R. 7.1(d)(1), see Nike USA, Inc. v. Big Rock Jeans Co., No. 13-108, 2015 WL 1013570, at \*1 (D.N.J. Mar. 6, 2015) (denying motion for default judgment for failure to file a brief as required by L.Civ.R. 7.1);

and it appearing that Plaintiffs' brief must, among other things, explain why the Court has personal jurisdiction over Defendant, give the specific ERISA statutory section under which

Plaintiffs seek relief, explain why Defendant is liable under that section, and provide a precise calculation of damages, see, e.g., ITPEU Pension Fund v. Frontline Sec. Servs., No. 15-6512, 2016 WL 3410177 (D.N.J. June 15, 2016);

**IT IS**, on this 28<sup>th</sup> day of November, 2016,

**ORDERED** that Plaintiffs' motion for default judgment is **DENIED WITHOUT PREJUDICE**.

*/s Madeline Cox Arleo*  
\_\_\_\_\_  
**MADELINE COX ARLEO**  
**United States District Judge**