

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 06 2012 ★

BROOKLYN OFFICE

**ORDER****11-CV-5592 (NGG) (MDG)**

SHEET METAL WORKERS' NATIONAL PENSION FUND; NATIONAL ENERGY MANAGEMENT INSTITUTE COMMITTEE FOR THE SHEET METAL AND AIR CONDITIONING INDUSTRY; SHEET METAL OCCUPATIONAL HEALTH INSTITUTE TRUST; INTERNATIONAL TRAINING INSTITUTE FOR THE SHEET METAL AND AIR CONDITIONING INDUSTRY; and NATIONAL STABILIZATION AGREEMENT OF THE SHEET METAL INDUSTRY FUND,

Plaintiffs,

-against-

THEMIS CHIMNEY INC., and MARK PAPADIMITRIOU, as an individual,

Defendants.

X

NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiffs Sheet Metal Workers' National Pension Fund; National Energy Management Institute Committee for the Sheet Metal and Air Conditioning Industry; Sheet Metal Occupational Health Institute Trust; International Training Institute for the Sheet Metal and Air Conditioning Industry; and National Stabilization Agreement of the Sheet Metal Industry Fund bring this action under Section 502 of ERISA, 29 U.S.C. § 1132, to collect delinquent contributions to employee benefit funds allegedly owed by Defendants Themis Chimney Inc. and Mark Papadimitriou. (Compl. (Docket Entry # 1).) Plaintiffs move for default judgment. (Docket Entry # 7.) Because Defendants failed to file an answer or otherwise respond to the Complaint, the Clerk of Court entered a notice of default against Defendants on January 26,

2012, pursuant to Federal Rule of Civil Procedure 55(a). (Docket Entry # 8.) Defendants have not responded to Plaintiffs' Motion for Default Judgment, and their time to do so has passed.

The court has considered Plaintiffs' allegations and finds them sufficient to establish Defendants' liability as specified in the Complaint. Accordingly, Plaintiffs' Motion for Default Judgment is GRANTED pursuant to Federal Rule of Civil Procedure 55(b)(2). Pursuant to 28 U.S.C. § 636(b)(1)(B), the court refers Plaintiffs' claims for damages, attorney's fees, and costs to Magistrate Judge Marilyn D. Go for a Report and Recommendation.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York  
March 5, 2012

NICHOLAS G. GARAUFIS (J  
United States District Judge