



At a Motion Term of the United States District Court, Northern District of New York, held at the United States Court House, Syracuse, New York, on the \_\_\_\_ day of \_\_\_\_\_, 2009

PRESENT: HONORABLE NEAL P. MCCURN SENIOR UNITED STATES DISTRICT COURT JUDGE

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

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ENGINEERS JOINT WELFARE, PENSION, SUPPLEMENTAL )  
UNEMPLOYMENT BENEFIT AND TRAINING FUNDS, by )  
Daniel P. Harrigan, as Administrator; OPERATING )  
ENGINEERS LOCAL 17 TRAINING FUND, by James )  
Smolinski, Jr., as Administrative Manager; )  
CENTRAL PENSION FUND OF THE INTERNATIONAL UNION )  
OF OPERATING ENGINEERS AND PARTICIPATING )  
EMPLOYERS, by Michael R. Fanning, as Chief )  
Executive Officer; and INTERNATIONAL UNION OF )  
OPERATING ENGINEERS, LOCAL UNION NO. 17, by )  
Alan Pero, as International Representative, )  
Plaintiffs, )  
- against - )  
D. LAND CONSTRUCTION COMPANY INC. and )  
DADON LAND, Individually and as an Officer )  
of D. Land Construction Company Inc., )  
Defendants. )  
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ORDER GRANTING DEFAULT JUDGMENT

Civil Action No.: 08-CV-00654 (NPM/GJD)

Plaintiffs having duly moved this Court for entry of default judgment, pursuant to Rule 54 and Rule 55(b)(2) of the Federal Rules of Civil Procedure, in favor of Plaintiffs and against Defendants D. Land Construction Company Inc. and Dadon Land, Individually, And, the said motion have regularly come on to be heard.

NOW, upon reading and filing the Notice of Motion, dated the 13<sup>th</sup> day of January, 2009, the Affidavit of Daniel P. Harrigan, sworn to the 2<sup>nd</sup> day of January, 2009, the Affidavit of Alan Pero, sworn to the 12<sup>th</sup> day of January, 2009, the Affidavit of Michael R. Fanning, sworn to the 5<sup>th</sup> day of January, 2009, the Affidavit of James Smolinski, sworn to the 12<sup>th</sup> day of January, 2009, the Affidavit of Linda L. DeMacy, sworn to the 31<sup>st</sup> day of December, 2008, the Affidavit of Jennifer A. Clark, sworn to the 13<sup>th</sup> day of January, 2009, together with the Summons and Complaint, with proof of service thereof, the Entry of Default on the 20th day of October, 2008, all in support of said motion, and upon all the proceedings heretofore had herein, and after hearing Blitman & King LLP, Jennifer A. Clark, of Counsel, attorneys for plaintiffs, in support of said motion, and no one having appeared in opposition thereto, and it appearing that defendants have failed to plead or otherwise defend this action; and

NOW, on motion of Blitman & King LLP, Jennifer A. Clark, of counsel, and after due deliberation having been had thereon, it is

ORDERED, that the motion be and the same hereby is granted in all respects, and that judgment by default be entered in this action in favor of Plaintiffs and against the Defendants D. Land Construction Company Inc. and Dadon Land, Individually, for the relief demanded in the Complaint herein together with the costs and disbursements of this proceeding, and it is further

ORDERED, that judgment be entered herein by the Clerk of the Court in favor of the Plaintiffs and against the Defendants D. Land Construction Company Inc. and Dadon Land, Individually, for the sum of \$31,035.90, plus interest thereon at the rate provided for by 28 U.S.C. Section 1961(a), and that Plaintiffs have execution therefore; and it is further

ORDERED, that Defendants be required to produce their books and records for the period March 1, 2003 to date for Plaintiffs' review and audit, to pay the cost and expense of such audit, to pay all attorneys' and paralegal fees and costs incurred in obtaining that audit; and it is further

ORDERED, that this Court retains jurisdiction to enter judgment in favor of the Plaintiffs and against the Defendants D. Land Construction Company Inc. and Dadon Land for any and all contributions and deductions that are determined to be due as a result of the audit, plus the applicable interest thereon, liquidated damages, costs and expenses of collection, audit fees and attorneys' and paralegal fees.

DATED: May 14, 2009

*Neal P. McCurn*

ENTERED:

Honorable Neal P. McCurn  
Senior United States District Court Judge

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