

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IRON WORKERS DISTRICT COUNCIL OF WESTERN NEW YORK AND VICINITY WELFARE FUND, by Suzanne Ranelli, as Administrative Manager; IRON WORKERS DISTRICT COUNCIL OF WESTERN NEW YORK AND VICINITY PENSION FUND, by Suzanne Ranelli, as Administrative Manager; IRON WORKERS DISTRICT COUNCIL OF WESTERN NEW YORK AND VICINITY ANNUITY FUND, by Suzanne Ranelli, as Administrative Manager; UPSTATE NEW YORK DISTRICT COUNCIL OF IRON WORKERS AND EMPLOYERS COOPERATIVE TRUST FUND, by George Merkling and Scott Brydges, as Trustees; IRON WORKERS LOCAL UNION NO. 9 SUPPLEMENTAL BENEFIT PLAN, by Jeffrey Modleski and Scott Brydges, as Trustees; IRON WORKERS LOCAL 9 APPRENTICESHIP TRAINING FUND, by Jeffrey Modleski and Scott Brydges, as Trustees; and IRON WORKERS LOCAL UNION NO. 9, by Scott Brydges, as Business Manager,

Civil Action No.
14-CV-06313-FPG

Plaintiffs,

– against –

NYPENN ERECTORS LTD., and MELISSA CONROY,
Individually and
as an Officer of NYPENN ERECTORS LTD.,

Defendants.

ORDER GRANTING DEFAULT JUDGMENT
AS TO DEFENDANT NYPENN ERECTORS, LTD.

Before the Court is Plaintiff's Motion for Default Judgment (ECF No. 9) pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure as against Defendant Nypenn Erectors Ltd., and Defendant Melissa Conroy, individually and as an officer of Nypenn Erectors Ltd.

Having considered the Plaintiff's Motion for Default Judgment (ECF No. 9), the papers submitted in support of the Motion, and all of the prior pleadings in this action, and after learning from Jennifer A. Clark, Esq. as attorney for Plaintiffs, that the Plaintiffs are engaged in

settlement discussions with Defendant Melissa Conroy that would resolve this motion as to Defendant Conroy and that the Plaintiffs are therefore requesting that the Motion for Default Judgment be held in abeyance as to Defendant Melissa Conroy pending the submission of a stipulation of settlement to the Court from those parties, and no one having appeared on behalf of Defendant Nypenn Erectors Ltd. in opposition to the Motion for Default Judgment, and it appearing that Defendant Nypenn Erectors Ltd. has failed to plead or otherwise defend this action, and after due deliberation; it is hereby

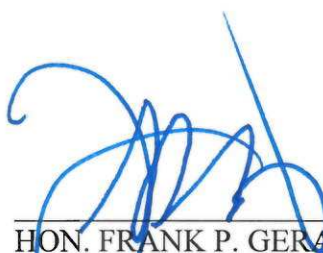
ORDERED, that the Motion for Default Judgment be held in abeyance as to Defendant Melissa Conroy, and Defendant Melissa Conroy and the Plaintiffs are directed to submit their stipulation of settlement to the Court by April 29, 2016; and it is further

ORDERED, that the Motion for Default Judgment as to Defendant Nypenn Erectors Ltd. is hereby GRANTED, and it is further

ORDERED, that in accordance with 29 U.S.C. § 1132 (g)(2) , 29 U.S.C. § 1145, and Fed. R. Civ. P. 55(b) that judgment be entered in favor of Plaintiffs and against Defendant Nypenn Erectors Ltd. for the relief sought in the Complaint, namely the sum of \$25,486.00 in fringe benefit contributions, interest, liquidated damages, audit fees, attorneys' fees and costs, plus interest thereon from July 16, 2015 at the rate provided for by 28 U.S.C. Section 1961(a), and that Plaintiffs have execution therefore.

IT IS SO ORDERED.

DATED: March 28, 2016
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court