

**UNITED STATES FEDERAL DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
AT DAYTON**

**IRON WORKERS DISTRICT COUNCIL  
OF SOUTHERN OHIO & VICINITY  
BENEFIT TRUST, *et al.*,**

Plaintiffs,

v.

**G.M.A.B. LLC, *et al.*,**

Defendants.

CASE NO. 3:13cv00283

DISTRICT JUDGE  
WALTER HERBERT RICE

CHIEF MAGISTRATE JUDGE  
SHARON L. OVINGTON

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR REASONABLE  
ATTORNEYS' FEES AND COSTS**

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This case is presently pending upon Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, Pension Trust, and Annuity Trust Funds' (collectively, Plaintiffs') Motion for Reasonable Attorney Fees and Costs (Doc. #29). Defendants Colin M. Garrett and Gary Maurer have not filed a memorandum opposing Plaintiffs' Motion and the time for filing such a memorandum has lapsed.

Plaintiffs' Motion arises due to Defendants Garrett and Maurer's failure to pay any amount on the Default Judgment previously granted against them in this case and due to their failure to comply with the Court's prior Order that required them to appear at a Judgment Debtor Exam on March 11, 2014. (Doc. #22, 28). Their failure to pay on the Default Judgment and failure to appear on March 11, 2014, despite receiving notice of the Court's Order to appear (Doc. #26), caused Plaintiffs to incur unnecessary attorney fees and costs. Plaintiffs would not have incurred such attorney fees and costs but for those failures by Defendants Garrett and Maurer.

Furthermore, due to Defendants Garrett and Maurer's failure to pay on the Default Judgment and failure to appear on March 11, 2014, and in the absence of opposition to Plaintiffs' Motion for Reasonable Attorney Fees and Costs, an award of reasonable attorney fees and costs is warranted in Plaintiffs' favor and against Defendants Garrett and Maurer. Upon the Court's review, and in the absence of opposition by Defendants Garrett and Maurer, Plaintiffs' Motion For Attorney Fees and Costs, the supporting affidavit of Plaintiffs' counsel George H. Faulkner, and counsel's itemized billing statement establish that the amount of attorney fees and costs Plaintiffs seek is fair and reasonable based on the skill and experience of the attorneys involved, the complexity of the legal work at issue, and the results reached. As set forth in attorney Faulkner's affidavit, Plaintiffs incurred \$7,850.00 in reasonable attorney fees, which were pertinent to the Judgment Debtor Exam, to Plaintiffs' subsequent Motion for Show Cause Order (Doc. #27), and to the Show Cause Order issued on April 18, 2014 (Doc. #28). In addition, Faulkner's affidavit and supporting exhibit demonstrate that Plaintiffs incurred \$487.24 in costs, which were pertinent to the Judgment Debtor Exam.

**WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:**

1. Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, Pension Trust & Annuity Trust Funds' Motion For Reasonable Attorney Fees and Costs (Doc. #29) is **GRANTED**;
2. Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, Pension Trust & Annuity Trust Funds are hereby awarded \$7,850.00 in reasonable attorney fees from Defendants Colin M. Garrett and Gary Maurer, jointly and severally;
3. Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, Pension Trust & Annuity Trust Funds are further entitled to recover \$487.24 in costs from Defendants Colin M. Garrett and Gary Maurer, jointly and severally;
4. The amounts awarded to Plaintiffs hereunder are in addition to any prior amounts awarded to Plaintiffs in this case.

5. This Court shall retain jurisdiction over the enforcement of this Order, until such time as Defendants Colin M. Garrett and Gary Maurer have fully complied herewith.

May 30, 2014

s/ Sharon L. Ovington  
Sharon L. Ovington  
Chief United States Magistrate Judge