

AO 450 (Rev. 01/09) Judgment in a Civil Action

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT of PENNSYLVANIA

TRUSTEES OF THE INSULATORS LOCAL NO. 23
ANNUITY, PENSION, AND HEALTH AND WELFARE
FUNDS, and THE JOINT APPRENTICE TRAINING
COMMITTEE LOCAL 23, ASBESTOS WORKERS

Plaintiffs

v.

Civil Action No. 1:18-CV-0537

LOSHAW THERMAL TECHNOLOGY, LLC, MARCI
BITTNER, and WENDY BITTNER,

(Chief Judge Conner)

Defendants

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[ ] the plaintiff recover from the defendant (name) the amount of dollars (\$ ), which includes prejudgment interest at the rate of % , plus postjudgment interest at the rate of % , along with costs.

[ ] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) recover costs from the plaintiff (name)

X other: SUMMARY JUDGMENT be and is hereby ENTERED in favor of defendants LOSHAW THERMAL TECHNOLOGY, LLC, MARCI BITTNER, and WENDY BITTNER, and against plaintiffs TRUSTEES OF THE INSULATORS LOCAL NO. 23 ANNUITY, PENSION, AND HEALTH AND WELFARE FUNDS, and THE JOINT APPRENTICE TRAINING COMMITTEE LOCAL 23, ASBESTOS WORKERS, to the extent that plaintiffs cannot sustain claims before this court under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001, et seq., for recovery of delinquent benefits contributions or for breach of fiduciary duty when those claims are based on an expired collective bargaining agreement and there is no evidence of an employer promise to pay, in accordance with the court's memorandum (Doc. 33) and order (Doc. 34), dated May 7, 2019.

This action was (check one):

[ ] tried by a jury with Judge or Magistrate Judge presiding, and the jury has rendered a verdict.

[ ] tried by Judge or Magistrate Judge without a jury and the above decision

X decided by Judge or Magistrate Judge Chief Judge Christopher C. Conner

MOTION FOR SUMMARY JUDGMENT

Date: May 7, 2019

CLERK OF COURT PETER WELSH, Clerk of Court

K. McKinney

Signature of Clerk or Deputy Clerk