

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STEEL, PAPER AND)
FORESTRY, RUBBER,)
MANUFACTURING, ENERGY,)
ALLIED INDUSTRIAL, AND)
SERVICE WORKERS)
INTERNATIONAL UNION, AFL-CIO)
and UNITED STEELWORKERS)
LOCAL 5032-20)

Plaintiffs,)

vs.)

Civil Action No. 14-606

ALLEGHENY SIGNS AND)
PROMOTIONS, LLC, CAROL)
DZAMKO, and JEFFREY DZAMKO)

Defendants.)

OPINION ON DEFAULT JUDGMENT

Pending before the Court is Plaintiffs’ application for entry of Default Judgment against Defendants under Federal Rule of Civil Procedure 55(b)(2). ECF No. 11. Plaintiffs filed an Amended Complaint under the Labor Management Relations Act, 29 U.S.C. § 185(a), alleging that Defendants violated the parties’ Collective Bargaining Agreement by refusing to engage in the arbitration process or communicate with the Union with respect to the termination of an employee, Deb Leff. In the three-count Amended Complaint, Plaintiffs seek back pay and benefits, plus interest, subject to withholding, due to Ms. Leff; union dues that should have been paid to the Union from employees’ wages since October 21, 2010; and monies from employee wage withholdings the Dzamkos unlawfully converted for their own personal use. For the reasons set forth below, Plaintiffs’ Motion for Default Judgment will be granted.

Defendants were served with the Amended Complaint on October 23, 2014, and the answer deadline was set for November 13, 2014. Defendants failed to answer the Amended Complaint. Accordingly, Plaintiffs requested that the Clerk enter Default against Defendants, which was done on November 17, 2014.

Plaintiffs seek back wages and benefits from the Dzamkos in the amount of \$43,988.48, subject to applicable withholding to be awarded to Deb Leff; union dues from all Defendants in the amount of \$8,537.41; converted monies in the amount of \$4,091.24 from the Dzamkos; and \$258.00 in costs for the service of the summons and complaint.

After having reviewed the documents of record in this matter, and having received evidence and testimony at a prior hearing October 1, 2014, and considering the arguments and authorities submitted by Plaintiffs, the Court finds as follows: A default was entered by the Clerk of Court against Defendants on November 17. Allegheny Signs and Promotions, LLC, Jeffrey Dzamko, Carol Dzamko, and Tom Dzamko (the individual who received service on behalf of Carol Dzamko) are not a minor, incompetent person, or a member of the military service of the United States. The Defendants did not appear or otherwise defend in this action. We further find that the allegations in the Amended Complaint, if taken as true, establish that we have subject matter jurisdiction over this litigation, *in personam* jurisdiction over the Defendants, and that the Amended Complaint states viable claims by Plaintiffs against Defendants. Therefore, we will grant Plaintiffs' Motion for Default Judgment against Defendants.

An appropriate Order will be entered.

Dec. 18, 2014
Date

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior United States District Court Judge