

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 NORTHWEST SHEET METAL
10 WORKERS WELFARE FUND, *et al.*,

11 Plaintiffs,

12 v.

13 BUTTE TIN SHOP,

14 Defendant.

CASE NO. C16-1737-JCC

ORDER OF DEFAULT
JUDGMENT

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16 This matter comes before the Court on the motion for default judgment from Plaintiffs
17 Northwest Sheet Metal Workers Welfare Fund, Pension Fund, and Supplemental Pension Fund
18 (Dkt. No. 11). Defendant Butte Tin Shop has not voluntarily appeared in this action, and the
19 Clerk has entered an order of default. (Dkt. No. 9.) Having thoroughly considered the parties'
20 briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS
21 the motion for the reasons explained herein.

22 "At the default judgment stage, the court presumes all well-pleaded factual allegations
23 related to liability are true." *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1211 (W.D.
24 Wash. 2014); *see TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).
25 However, factual allegations relating to the amount of damages are not taken as true. *Curtis*, 33
26 F. Supp. 3d at 1211. A "plaintiff is required to prove all damages sought in the complaint, and

1 the court must ensure that the amount of damages is reasonable and demonstrated by the
2 evidence.” *Id.*

3 Plaintiffs allege that Defendant was a signatory to a collective bargaining agreement with
4 Northwest Sheet Metal Workers, Local (103), and was obligated to make payments to the funds
5 at issue. (Dkt. No. 1 at ¶ 5; Dkt. No. 12 at ¶ 6.) The agreement also provides for liquidated
6 damages, interest, and attorney fees and costs if contributions are not made. (Dkt. No. 12 at
7 ¶¶ 10–12.) Defendant has failed to make timely contributions since January 2012. (*Id.* at ¶ 12,
8 pp. 151–210.)

9 Taking these allegations as true, the Court finds they are sufficient to establish liability.
10 Further, Plaintiffs have provided evidence to support the amount of damages. (*Id.* 12.)

11 It is hereby ORDERED that:

- 12 1. Plaintiffs’ motion for default judgment (Dkt. No. 11) is GRANTED.
- 13 2. Default judgment is entered in favor of Plaintiffs Northwest Sheet Metal Workers
14 Welfare Fund, Pension Fund, and Supplemental Pension Fund against Defendant
15 Butte Tin Shop.
- 16 3. Plaintiffs are AWARDED:
 - 17 a. \$83,842.06 in employee benefit contributions due for the period of January
18 2012 through April 2017, inclusive, with interest at the rate of 1.16% per
19 annum until paid;
 - 20 b. \$14,888.03 in liquidated damages for the period of January 2012 through
21 April 2017, inclusive, with interest at the rate of 1.16% per annum until paid;
 - 22 c. \$35,537.10 in pre-judgment interest through June 9, 2017 on January 2012
23 through April 2017 contributions, with interest at the rate of 1.16% per annum
24 until paid; and
 - 25 d. \$2,919.00 in attorney fees, with interest at the rate of 1.16% per annum until
26 paid.

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The Clerk is DIRECTED to close this case.

DATED this 21st day of June 2017.

A handwritten signature in black ink, reading "John C. Coughenour", is written above a solid horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE