

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS
CONSTRUCTION INDUSTRY HEALTH
AND SECURITY FUND, *et al.*,

Plaintiffs,

v.

R G CONSTRUCTION, INC.,

Defendant.

CASE NO. C18-0435-JCC

ORDER

This matter comes before the Court on Plaintiffs’ motion for default judgment (Dkt. No. 11). The Court has considered the motion and the relevant record and FINDS that:

- (1) Defendant was properly served in this matter on or about August 22, 2018 (Dkt. No. 7);
- (2) The Clerk entered an order of default against Defendant on September 18, 2018 (Dkt. No. 9);
- (3) Defendant has failed to appear or otherwise defend in this action; and
- (4) The factors set forth in *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986) support granting default judgment in Plaintiffs’ favor.

Accordingly, Plaintiffs’ motion for default judgment (Dkt. No. 11) is GRANTED in its

1 entirety. The Court ORDERS as follows:

2 **SUMMARY OF DEFAULT JUDGMENT**

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Judgment Creditor	Operating Engineers Trust Funds
Judgment Debtor	R G Construction, Inc.

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5 Amounts Payable to Plaintiff Fund

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Liquidated Damages	\$3,638.02
Interest through April 13, 2018	\$396.10

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8 Amounts Payable to All Plaintiffs

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Attorney Fees	\$531.00
Costs	\$535.00
Other Recovery Amounts	None
Interest Rate on Costs	None

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Attorneys for Judgment Creditor	Reid, McCarthy, Ballew, & Leahy, L.L.P.
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15 THIS MATTER coming on for consideration upon Plaintiffs' motion for default
16 judgment against Defendant, Plaintiffs being represented by their attorney, Russell J. Reid of
17 Reid, McCarthy, Ballew & Leahy, L.L.P., Defendant not being represented, and the Court
18 having reviewed the records and file herein, including the affidavit of Russell J. Reid and the
19 exhibits thereto and the declaration of Adam Keck and the exhibits thereto in support of
20 Plaintiffs' motion, and being fully advised, now, therefore, it is hereby:

21 ORDERED, ADJUDGED AND DECREED that Plaintiffs be and hereby are awarded
22 judgment against Defendant in the amounts hereinafter listed, which amounts are due the
23 Plaintiffs by Defendant for its inclusive employment of members of the bargaining unit
24 represented by Locals 302 and 612 with which Defendant has a valid collective bargaining
25 agreement and which amounts are due by reason of its specific acceptance of the Declarations of
26 Trust for the employment period of January 2018 and February 2018: for liquidated damages of

1 \$3,638.02, for pre-judgment interest of \$396.10, for attorney fees of \$531.00, and for costs of
2 \$535.00; for a total of \$5,100.12.

3 DATED this 20th day of December 2018.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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