

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

TRUSTEES OF OHIO BRICKLAYERS
HEALTH AND WELFARE FUND,
TRUSTEES OF OHIO BRICKLAYERS
PENSION FUND, TRUSTEES OF THE
INTERNATIONAL MASONRY INSTITUTE, and
TRUSTEES OF THE BRICKLAYERS AND TROWEL
TRADERS INTERNATIONAL PENSION FUND,

Plaintiffs,

v.

Civil Action No. 2:12-cv-00718

GARRETT MASONRY, INC., and
JEFF GARRETT,

Defendants.

MEMORANDUM OPINION AND ORDER

On June 14, 2012, the court granted the plaintiff's motion for default judgment against defendants Jeff Garrett and Garrett Masonry, Inc. On September 12, 2012, the plaintiffs filed a proposed order detailing the damages owed by the defendants. In response, on September 21, 2012, the defendants submitted paperwork indicating differing amounts. On October 18, 2012, the court conducted a telephonic status conference to address the potential dispute. The plaintiffs were directed to submit affidavits attesting to the accuracy of the audit schedules accompanying their proposed order and the requested award of attorneys' fees within fourteen days. The defendants were then directed to respond within fourteen days of the

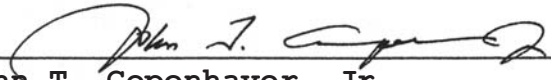
affidavits being filed. The court noted that failure to respond would result in the entry of a judgment order awarding the plaintiffs \$9,271.90 in delinquent contributions, \$7,503.15 in liquidated damages and interest, and all reasonable attorneys' fees supported by affidavit.

The plaintiffs filed the requisite affidavits on November 2, 2012, which describe reasonable attorneys' fees of \$10,220.00, litigation costs of \$756.20, and audit costs of \$2,829.50. The defendants have not objected.

Accordingly, the court finds in favor of the plaintiffs and against the defendants, awarding \$9,271.90 in delinquent contributions, \$7,503.15 in delinquency assessments, and \$13,805.70 in fees and costs, aggregating \$30,580.75. Judgment shall be entered accordingly and this action is dismissed with prejudice and ordered struck from the docket.

The Clerk is directed to forward copies of this order to all counsel of record and to the defendants at 17 Frozen Camp Road, Leroy, West Virginia, 25252.

DATED: January 4, 2013



John T. Copenhaver, Jr.
United States District Judge