UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

BUILDING TRADES UNITED PENSION TRUST FUND, NACARCI FEASTER, PAINTERS LOCAL 781 HEALTH FUND, PAINTERS LOCAL 781 APPRENTICESHIP FUND, JOEL ALLEN, INDUSTRY ADVANCEMENT PROGRAM/CONTRACT ADMINISTRATION FUND. WISCONSIN MASONS APPRENTICESHIP & TRAINING FUND, WISCONSIN MASONS IAP/CLMC FUND, JEFFREY LECKWEE, BRICKLAYERS AND ALLIED CRAFTWORKERS DISTRICT COUNCIL OF WISCONSIN. WISCONSIN LABORERS HEALTH FUND, BUILDING & PUBLIC WORKS LABORERS VACATION FUND, WISCONSIN LABORERS APPRENTICESHIP & TRAINING FUND, JOHN J. SCHMITT, WISCONSIN LABORERS INDUSTRY ADVANCEMENT PROGRAM FUND, WISCONSIN LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST FUND, and WISCONSIN LABORERS DISTRICT COUNCIL,

Plaintiffs,

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Case No. 12-C-1171

JOHN RANSON CONSTRUCTION INC., JOHN RANSON,

Defendants.

ORDER REQUIRING EVIDENCE OF NONSERVICEMEMBER STATUS

On November 6, 2012, plaintiffs filed this lawsuit against John Ranson Construction Inc. and John Ranson. The latter defendant is an individual. Following service of process, defendants failed to answer or otherwise respond to the complaint, and on March 12, 2013, the clerk entered default against defendants. Plaintiffs now move for default judgment against both defendants. The motion for default judgment against the company will be addressed in a separate order.

Regarding plaintiffs' motion for default judgment against John Ranson, the court

finds that plaintiffs have not demonstrated compliance with the Servicemembers Civil Relief

Act, 50 U.S.C. App. §§ 501-596, which protects persons in the military against default

judgments. Section 521 provides that before any default judgment can be entered in favor

of a plaintiff, the plaintiff must file an affidavit "stating whether or not the defendant is in

military service and showing necessary facts to support the affidavit" or else stating that

the plaintiff has been unable to determine whether the defendant is in the military service.

50 U.S.C. App. § 521.

Plaintiffs must provide an affidavit describing, for instance, a search of the Defense

Manpower Data Center's Servicemembers Civil Relief Act database or other evidence that

John Ranson is not in active service in the military. They do not need to refile any of their

other default judgment materials. Therefore,

IT IS ORDERED that plaintiffs file within fourteen days an affidavit regarding John

Ranson's nonservicemember status.

Dated at Milwaukee, Wisconsin, this 9th day of April, 2013.

BY THE COURT

/s/ C N Clevert Jr

C. N. CLEVERT, JR.

U. S. DISTRICT JUDGE

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