

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

**AUG 11 2005**

U. S. DISTRICT COURT  
E. DIST. OF MO.  
ST. LOUIS

DONALD BROWN, et al., )  
)  
Plaintiffs, )  
vs. )  
)  
ADAM MASONRY, LLC, et al., )  
)  
Defendants. )

Case No. 4:04CV1542 SNL

**JUDGMENT**

Plaintiffs filed this action to recover, inter alia, delinquent fringe benefit contributions allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§185 and 1132. Plaintiffs also seek to recover attorneys' fees, accounting fees, and costs incurred in this action. Defendant Adam Masonry, LLC was served with the summons and complaint on December 3, 2004 and has not appeared in this action.

Plaintiffs move for judgment by default, submitting in support of its motion a memorandum, exhibits, and the affidavits of Gary Juenger, Charles M. Kinder, CPA and Greg A. Campbell. Based upon plaintiffs' motion, the Court finds the following. Under the collective bargaining agreement, defendant Adam Masonry, LLC owes plaintiff \$23,658.08 in fringe benefit contributions for the period of March 31, 2004 through August 20, 2004 based on an audit performed by plaintiffs' accountants. Further, under the collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), Adam Masonry, LLC owes plaintiffs \$2,925.24 in liquidated damages, \$1,066.60 in accounting fees, \$2,115.00 in attorneys' fees, and \$1,150.77 in costs. Based on the evidence presented, the Court finds the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, the rates charged were reasonable, and the amount sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs during this time period is \$30,915.69. However, plaintiffs collected \$5,000.00 on a letter of credit maintained by defendant. Therefore, the balance owed is \$25,915.69

THEREFORE, IT IS ORDERED that plaintiffs' motion for default judgment against defendant Adam Masonry, LLC is GRANTED.

IT IS FURTHER ORDERED that judgment be entered in favor plaintiffs and against defendant Adam Masonry, LLC in the total amount of \$25,915.69.

SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

Date: 11 August '05