

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN CARPENTERS PENSION FUND
and BRIAN GENTRY,

Plaintiffs,

MEMORANDUM AND ORDER

v.

06-C-234-S

A.S.E. BUILDING GROUP, INC.,

Defendant.

Presently pending before the Court in the above entitled matter is plaintiffs' motion for summary judgment. Defendant's response pursuant to the Preliminary Pre-Trial Conference Order was to have been served and filed not later September 5, 2006 and has not been provided to date. Accordingly, the Court is unable to find any material facts in dispute. Plaintiffs are entitled to judgment as a matter of law against defendant.

Plaintiff Fund collects contributions from employers and distributes the monies for workers' retirement benefits. Plaintiff Brian Gentry is a fiduciary and trustee of said fund. Defendant failed to make fringe benefit contributions for the audited period January 1, 2000 through February 29, 2004 and for the unaudited period March 1, 2004 to present. As a result of the delinquent contributions, defendant is liable for liquidated damages and interest as well as attorneys fees and costs of the action. By

virtue of the agreement entered into between the parties, defendant adopted the Trust Agreement and the amendments for the plaintiff Fund. Defendant refuses to pay all the remaining delinquent contributions, interest and liquidated damages totaling \$9,802.12 for which judgment will be entered in said amount together with those reasonable attorneys fees in the amount of \$4,443 and costs in the amount of \$395 for a total of \$14,640.12.

Accordingly,

ORDER

IT IS ORDERED that plaintiffs motion for summary judgment is GRANTED in the amount of \$9,802.12 together with reasonable attorneys fees and costs in the amount of \$4,838 for a total of \$16,640.12.

IT IS FURTHER ORDERED that an additional amount to be established through an audit of defendant's payroll books and records of all contributions, interest and liquidated damages owed for the period March 1, 2004 through present may also be entered.

Let judgment be entered accordingly.

Entered this 8th day of September, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge