

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

WISCONSIN LABORERS HEALTH FUND,
WISCONSIN LABORERS PENSION FUND,
WISCONSIN LABORERS DISTRICT COUNCIL,
and MILES MERTENS;

WISCONSIN LABORERS EMPLOYERS
COOPERATION AND EDUCATION TRUST
FUND,

Plaintiffs,

v.

BOB EWERS CONTRACTING, LLC,

Defendant.

ORDER

08-cv-90-bbc

Plaintiffs Wisconsin Laborers Health Fund, Wisconsin Laborers Pension Fund, Wisconsin Laborers District Council, Miles Mertens and Wisconsin Laborers-Employers Cooperation and Education Trust Fund brought this civil action against defendant Bob Ewers Contracting, LLC, to recover delinquent contributions, interest, statutory and contractual liquidated damages, costs and attorney fees under 29 U.S.C. §§ 1132(g)(2) and 1145. The case is before the court on plaintiffs' motion for summary judgment. Defendant

has contested the motion only insofar as plaintiffs seek to recover contributions for the months April through June 2007 for work performed by Corey and Christopher Ewers.

Defendant filed a response to the motion in which it explained its disagreement with plaintiffs over the contributions they were seeking for Corey and Christopher Ewers's work. After reviewing defendant's evidence, plaintiffs determined that defendant's position was correct and made that known to the court in their reply brief. Plaintiff has adjusted the unpaid contributions, interest and liquidated damages assessed to these two employees by \$10,073.76.

Defendant does not dispute plaintiffs' claim for any contributions other than those for Corey and Christopher Ewers. Therefore, I will award plaintiffs the delinquent contributions, liquidated damages and interest for the audited period through July 31, 2007, in the adjusted amount of \$91,709.82, plus actual costs and actual and reasonable attorney fees in the amount of \$4,292.22.

ORDER

IT IS ORDERED that the motion for summary judgment filed by plaintiffs Wisconsin Laborers Health Fund, Wisconsin Laborers Pension Fund, Wisconsin Laborers District Council, Miles Mertens and Wisconsin Laborers-Employers Cooperation and Education Trust Fund is GRANTED. The clerk of court is directed to enter judgment in

favor of plaintiffs and against defendant Bob Ewers Contracting, LLC in the amount of \$91,709.82, plus actual costs and actual and reasonable attorney fees in the amount of \$4,292.22.

Entered this 4th day of December, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge