

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**BOILERMAKER-BLACKSMITH NATIONAL)
PENSION FUND, et al.,)**

Plaintiffs,)

v.)

U.S. BOILER SERVICES, INC.,)

Defendant.)

CIVIL ACTION

No. 05-2528-KHV

DEFAULT JUDGMENT

Plaintiffs served U.S. Boiler Services, Inc. on January 19, 2006. Defendant did not enter an appearance, plead or otherwise defend in this action. On February 27, 2006, the Clerk entered default against defendant pursuant to Fed. R. Civ. P. 55(a). See Doc. #10. This matter comes before the Court on plaintiffs' Motion For Default Judgment Pursuant To Fed. R. Civ. P. 55(b)(2), And For Certification Of Final Judgment Pursuant To Fed. R. Civ. P. 54(b) (Doc. #12) filed March 6, 2006.

The Court finds that defendant is currently liable to plaintiffs in the known amount of \$2,466.23 and that there is no just reason to delay the entry of final judgment for that amount. The Court further finds that plaintiffs are entitled to audit defendant's books and records to determine any additional amounts which may be due.

IT IS THEREFORE ORDERED that U.S. Boiler Services, Inc. permit a qualified, certified public accountant selected by plaintiffs to audit its books and records, at defendant's expense, to determine any amounts due under the collective bargaining agreement.

IT IS FURTHER ORDERED that plaintiffs shall apply to this Court for an award of damages for all delinquent contributions, as determined by the audit, plus liquidated damages, interest thereon, audit costs, and plaintiffs' cost and reasonable attorney's fees incurred for the arrangement of the audit and for the preparation of the application for the award of additional damages. Plaintiffs shall submit exhibits and affidavits in support thereof.

IT IS FURTHER ORDERED that judgment be and hereby is entered against U.S. Boiler Services, Inc. in the amount of \$2,466.23.

IT IS FURTHER ORDERED that said judgment is certified as final pursuant to **Fed. R Civ. P. 54(b)**. This order leaves for further adjudication only plaintiffs' claim for any additional amounts as may be revealed by the audit conducted pursuant to this order.

Dated this 9th day of May, 2006 in Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Court Judge