IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

BOILERMAKER-BLACKSMITH NATIONAL PENSION FUND, et al., Plaintiffs, v. RED EAGLE CONTRACTING, INC., Defendant.

CIVIL ACTION

No. 07-2048-KHV

On January 29, 2007, various employee benefit plans and their fiduciaries filed suit against Red Eagle Contracting, Inc. under Sections 502 and 515 of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132 and 1145, seeking to collect unpaid fringe benefit contributions which defendant owes the employee benefit plans. On February 20, 2007, defendant received service of process through personal service on Vice President Melissa Zaleski. <u>See Summons And Return Of Service</u> (Doc. #3) filed February 26, 2007. On April 24, 2007, the Court ordered plaintiff to show cause on or before May 7, 2007, why the Court should not dismiss the case with prejudice for lack of prosecution. See Doc. #4.

In response to the order to show cause, plaintiffs state that they have unsuccessfully attempted to resolve the matter through settlement. <u>See Plaintiffs' Response</u> (Doc. #5) filed April 24, 2007. Further, plaintiffs have applied for an entry of default. <u>See Doc. #6</u>.

The Court therefore finds that plaintiffs have shown good cause why the Court should

not dismiss the case with prejudice.

Dated this 9th day of July, 2007 at Kansas City, Kansas

<u>s/ Kathryn H. Vratil</u> KATHRYN H. VRATIL United States District Court