

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

**Boilermaker-Blacksmith National
Pension Fund et al.,**

Plaintiffs,

v.

Case No. 08-2443-JWL

**Boiler Erection & Repair
Company, Inc.,**

Defendant.

MEMORANDUM & ORDER

Plaintiffs, various employee benefit plans, filed this ERISA action seeking to collect fringe benefit contributions allegedly due and owing from defendant. After defendant failed to file an answer or otherwise respond to plaintiffs' complaint, the clerk of the court entered default pursuant to Federal Rule of Civil Procedure 55(a). Plaintiff now moves the court for default judgment in the total amount of \$20,470.98, including contributions in the amount of \$135.52; liquidated damages in the amount of \$13,379.81; interest in the amount of \$2924.15; costs in the amount of \$512.50; and attorneys' fees in the amount of \$3519.00. The motion is granted.

A court may enter a default judgment without a hearing if the "amount claimed is a liquidated sum or one capable of mathematical calculation." *Hunt v. Inter-Globe Energy, Inc.*, 770 F.2d 145, 148 (10th Cir. 1985). The amounts for unpaid contributions, liquidated damages and interest sought by plaintiffs are generally considered "sums certain" pursuant to the calculations mandated in ERISA and the parties' agreements. *See Trustees of Five River*

Carpenters Dist. Council Health & Welfare Fund v. Steiner Constr., Inc., 2004 WL 503827, at *2 (N.D. Iowa Mar. 16, 2004) (citing *Combs v. Coal & Mineral Mgmt. Servs., Inc.*, 105 F.R.D. 472, 474 (D.D.C. 1984)). With respect to plaintiffs' request for attorneys' fees and costs, plaintiffs have submitted affidavits demonstrating the reasonableness of those amounts.

The court, then, concludes that default judgment against defendant is appropriate in the amount of \$20,470.98.

IT IS THEREFORE ORDERED BY THE COURT THAT judgment be entered in favor of plaintiffs against defendant on plaintiffs' claim in the total amount of \$20,470.98, including contributions in the amount of \$135.52; liquidated damages in the amount of \$13,379.81; interest in the amount of \$2924.15; costs in the amount of \$512.50; and attorneys' fees in the amount of \$3519.00.

IT IS SO ORDERED.

Dated this 25th day of September, 2009, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge