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FILED - 272

United States District Court

1988 FEB 11 P 2:44

EASTERN

DISTRICT OF

VIRGINIA

CLERK U.S. DISTRICT COURT

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

SHEET METAL WORKERS NATIONAL PENSION FUND, et. al.

PANELIGHT, INC.,

Case Number: 87-0614-A

8801238

I, DORIS R. CASEY

Clerk of this United States District Court

certify that the attached judgment is a true and correct copy of the original judgment entered in this action on Sept. 30, 1987, as it appears in the records of this court, and that

"no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rule of Appellate Procedure has been filed."

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IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on

November 6th, 1987

Doris R. Casey

Clerk

[Signature] (By) Deputy Clerk

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Insert the appropriate language: . . . "no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed." . . . "no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure [] have been disposed of, the latest order disposing of such a motion having been entered on [date]." . . . "an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]." . . . "an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

[*Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.]

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

FILED
SEP 30 1987
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

SHEET METAL WORKERS NATIONAL
PENSION FUND,

and

NATIONAL TRAINING FUND FOR THE SHEET
METAL AND AIR CONDITIONING INDUSTRY,

Plaintiffs,

v.

PANELIGHT, INC.,

Defendant.

8801238

Civil Action No. 87-0551-A

FILED - ED2
1988 FEB 11 P 2:45
U.S. DISTRICT COURT
CLERK

JUDGMENT AND ORDER

Upon consideration of plaintiffs' Motion For Default Judgment, and upon *including the Report and Recommendation of The U.S. Magistrate* consideration of the entire record in this case, it appearing to the Court that defendant has failed to plead or otherwise defend in this action and that a default has been entered herein, it is by the Court this 30th day of September, 1987,

ORDERED, that plaintiffs' Motion For Default Judgment be and it is hereby GRANTED, and judgment by default shall be entered in the above-captioned case in favor of plaintiffs; and it is

FURTHER ORDERED, that defendant shall pay to plaintiff Sheet Metal Workers National Pension Fund ("Pension Fund") delinquent, unpaid contributions in the amount of \$3,974.89 for the period January 1986 through April 1987; and it is

FURTHER ORDERED, that defendant shall pay to plaintiff National Training Fund for the Sheet Metal and Air Conditioning Industry ("National Training Fund") delinquent, unpaid contributions in the amount of \$662.48 for the

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period January 1986 through April 1987, and it is

FURTHER ORDERED, that defendant shall pay to plaintiff Pension Fund interest in the amount of \$303.67 accrued from the date each monthly contribution was due through August 21, 1987, and interest at such rates as prescribed under Section 6621 of the Internal Revenue Code of 1954 on the amount of any further delinquent contributions from August 22, 1987, to the date on which payment is actually made; and it is

FURTHER ORDERED, that defendant shall pay to plaintiff National Training Fund interest in the amount of \$50.51 accrued from the date each monthly contribution was due through August 21, 1987, and interest at such rates as prescribed under Section 6621 of the Internal Revenue Code of 1954 on the amount of any further delinquent contributions from August 22, 1987, to the date on which payment is actually made; and it is

FURTHER ORDERED, that defendant shall pay to plaintiff Pension Fund liquidated damages in the amount of \$861.65 on the delinquent contributions for the period January 1986 through April 1987, and liquidated damages in the amount of twenty percent (20%) of any additional contributions which are delinquent; and it is

FURTHER ORDERED, that defendant shall pay to plaintiff National Training Fund liquidated damages in the amount of \$142.56 on the delinquent contributions for the period January 1986 through April 1987, and liquidated damages in the amount of twenty percent (20%) of any additional contributions which are delinquent; and it is

FURTHER ORDERED, that defendant shall pay plaintiffs' attorney's fees in the amount of \$498.75, and costs in the amount of \$167.32, incurred through August 21, 1987, as well as all reasonable attorney's fees and costs incurred thereafter in connection with this case until this judgment has been executed, and

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FURTHER ORDERED, that because of defendant's persistent failure to meet its reporting and payment obligations to plaintiffs under the terms of its collective bargaining agreement, defendant, its officers, agents, servants, employees, attorneys, and all persons acting on its behalf are ordered to file any remittance reports and to make any payments due plaintiff trust funds for the period May 1987 to the expiration of the current collective bargaining agreement and for any period thereafter for which contributions are required under the terms of any duly executed collective bargaining agreement to which defendant is a party, in a timely fashion, with the following proviso: all reports and payments for this period already overdue on the date this Order becomes final shall be filed within twenty (20) days of the date this Order becomes final; and it is

FURTHER ORDERED, that if defendant fails to comply with any of the terms of this ORDER, plaintiffs may, in addition to pursuing the remedies provided under Rule 67 of the Federal Rules of Civil Procedure, reopen this case upon motion to this Court and notice to the defendant, and may at that time ask for further appropriate monetary and/or injunctive relief.


United States Judge

9/30/87.