

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

NECA LOCAL UNION NO. 313 IBEW  
HEALTH AND WELFARE FUND, *et al.*,

Plaintiffs,

v.

C.A. No. 23-0800-GBW-SRF

KAM ELECTRIC INC.,

Defendant.

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**MEMORANDUM ORDER**

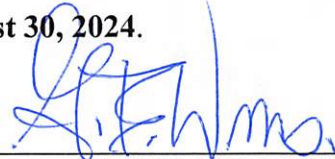
Pending before the Court is Magistrate Judge Fallon's Report and Recommendation ("R&R), dated June 25, 2024 (D.I. 27), recommending that the Court: (1) GRANT Plaintiffs' Motion for Default Judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) against Defendant KAM Electric, Inc (D.I. 16); and (2) award Plaintiffs \$49,136.08. No objections were made to the R&R. Having reviewed the R&R and all related briefing, the Court agrees with Magistrate Judge Fallon that default judgment is appropriate as to Plaintiffs' claims for breach of contract and ERISA § 515. D.I. 27 at 5-6. The Court also agrees that Plaintiffs are entitled to recover \$35,950.28 in unpaid dues, liquidated damages and interest and \$13,185.80 in attorneys' fees. Accordingly, the R&R is **ADOPTED** in whole, and Plaintiffs' Motion for Default Judgment is **GRANTED**.

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Therefore, at Wilmington this **31th** day of July, 2024, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Fallon's Report and Recommendation, D.I. 27, is **ADOPTED**;

2. Plaintiffs' Motion for Default Judgment pursuant to Rule 55(b), D.I. 16, is **GRANTED**, and Plaintiffs are awarded damages in the sum of \$49,136.08. Default judgment will be entered against Defendant in the form proposed by Plaintiffs at D.I. 25.
3. Plaintiffs shall serve a copy of the Court's Order on Defendant in the same manner used to serve Defendant with the Entry of Default and/or the R&R and shall file proof of such service with the Court on or before **August 30, 2024**.



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GREGORY B. WILLIAMS  
U.S. DISTRICT JUDGE