

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUSTEES AND FIDUCIARIES OF  
THE IRON WORKERS DISTRICT  
COUNCIL (PHILADELPHIA AND  
VICINITY) BENEFIT AND PENSION  
PLANS, et al.,

Plaintiffs,

v.

McGINNY IRONWORKS, INC.,  
WILLIAM KELLY, and PAUL  
PETRASSO,

Defendants.

CIVIL ACTION

No. 11-1463

October \_\_\_\_, 2011

**MEMORANDUM**

On May 13, 2011, the plaintiffs in this action moved the court for an entry of default judgment (Dkt. No. 10). The May 13, 2011 motion was submitted on behalf of all plaintiffs—namely, the Trustees and Fiduciaries of the Iron Workers District Council (Philadelphia and Vicinity) Benefit and Pension Plans, the Iron Workers District Council (Philadelphia and Vicinity) Pension Plan, and the Iron Workers District Council (Philadelphia and Vicinity) Benefit Plan.

This court granted the plaintiffs' motion for entry of default judgment by order

dated October 19, 2011 (Dkt. No. 13). As made clear in an accompanying memorandum (Dkt. No. 12), I intended to enter default judgment against all defendants on behalf of all plaintiffs in the action. All plaintiffs were and are entitled to an entry of default judgment against all defendants. However, this court's October 19, 2011 order referred only to the "Plaintiff" rather than all three plaintiffs to whom the court intended to grant relief.

The reference to a singular Plaintiff rather than all three plaintiffs was a mere "clerical mistake," which this court is permitted to correct of its own motion. Fed. R. Civ. P. 60(a). An appropriate order follows.

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**ORDER**

**AND NOW**, this 25th day of October, 2011, upon reconsideration of this court's Order dated October 19, 2011 (Dkt. No. 13), it is hereby **ORDERED** that the Order dated October 19, 2011 is revised as follows:

- (A) Paragraphs (1) and (2) of the Order dated October 19, 2011 are **STRICKEN**;
- (B) In place of the stricken text, the Order dated October 19, 2011 is **MODIFIED** by the insertion of the following two corrected paragraphs:
  - (1) Judgment is entered in favor of the Plaintiffs—Trustees and Fiduciaries of the Iron Workers District Council (Philadelphia and Vicinity) Benefit and Pension Plans, Iron Workers District Council (Philadelphia and Vicinity) Pension Plan, and Iron Workers District

Council (Philadelphia and Vicinity) Benefit Plan—against Defendants McGinny Ironworks, Inc., William Kelly, and Paul Petrasso, in the sum of \$86,620.86 for principal contributions, interest, and liquidated damages pursuant to the collective bargaining agreement.

- (2) Judgment is entered in favor of the Plaintiffs—Trustees and Fiduciaries of the Iron Workers District Council (Philadelphia and Vicinity) Benefit and Pension Plans, Iron Workers District Council (Philadelphia and Vicinity) Pension Plan, and Iron Workers District Council (Philadelphia and Vicinity) Benefit Plan—against Defendants McGinny Ironworks, Inc., William Kelly, and Paul Petrasso, in the sum of \$1,581.12 for attorney’s fees and costs pursuant to 29 U.S.C. § 1132(g)(2)(D).

BY THE COURT:

/s/ Louis H. Pollak  
Pollak, J.