

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TENNESSEE, WESTERN DIVISION

Brandon Osbahr et al. v. Plumbing Contractors, Inc.

Osbahr · No. 2:25-cv-02642-SHL-atc · Decided March 2, 2026

SUMMARY

The United States District Court for the Western District of Tennessee granted Plaintiffs’ motion for default judgment against Plumbing Contractors, Inc. in an ERISA action involving unpaid contributions, dues, and fees owed to union-established funds. The court awarded \$184,544.79, including unpaid contributions, liquidated damages, late charges, attorney’s fees, and costs.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Tennessee, Western Division                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Sheryl H. Lipman                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Western District of Tennessee, Western Division                                                                                                                                                                                                                                                            |
| DECIDED               | March 2, 2026                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 2:25-cv-02642-SHL-atc                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Plaintiffs moved for default judgment under Federal Rule of Civil Procedure 55(b)(2) after Defendant failed to respond to the Complaint and the Clerk entered default. The court granted default judgment and awarded Plaintiffs \$184,544.79 in damages, including unpaid ERISA contributions, liquidated damages, attorney's fees, and costs. |
| STANDARD OF REVIEW    | Default judgment under Rule 55(b)(2) is committed to the court's sound judicial discretion. Well-pleaded allegations concerning liability are generally taken as true after default, but the amount of unliquidated damages must ordinarily be established by proof.                                                                            |
| PRECEDENTIAL VALUE    | Unpublished federal district court order; generally nonprecedential.                                                                                                                                                                                                                                                                            |

TOPICS

- default judgment
- erisa
- employee benefits
- damages
- attorney fees

## PRACTICE AREAS

ERISA

employee benefits

civil procedure

remedies

## QUESTIONS PRESENTED

1. Whether Plaintiffs were entitled to default judgment under Federal Rule of Civil Procedure 55(b)(2) after Defendant failed to respond and the Clerk entered default.
2. Whether Plaintiffs adequately proved and reasonably calculated the amount of damages, liquidated damages, attorney's fees, and costs recoverable under ERISA § 502(g)(2).

## HOLDINGS

1. The court may grant default judgment in its sound judicial discretion when the defendant has failed to respond, the Clerk has entered default, and the well-pleaded allegations establish liability.
2. Default established Defendant's liability, but Plaintiffs were required to prove the amount of unliquidated damages; Plaintiffs satisfied that requirement through their calculations, supplemental briefing, and affidavits.
3. Plaintiffs were entitled to \$184,544.79, consisting of unpaid contributions and dues, liquidated damages, attorney's fees, and costs.

## KEY QUOTATIONS

*"In considering whether to grant default judgment, the defendant's default results in "the well-pled allegations of the complaint relating to liability [being] taken as true, but those relating to the amount of damages suffered ordinarily are not." (PageID 74-75)*

*"Where damages are unliquidated a default admits only defendant's liability and the amount of damages must be proved." (PageID 75)*

*"Thus, Plaintiffs are AWARDED \$184,544.79 in damages." (PageID 76)*

## FACTUAL BACKGROUND

Plaintiffs alleged that Plumbing Contractors, Inc. failed to remit required contributions, dues, and fees from November 2024 through August 2025, as well as amounts associated with prior delinquencies, to employee-benefit funds established by Plumbers Local Union No. 17. Defendant never responded to the Complaint. Plaintiffs supported their damages request with affidavits and sought unpaid contributions, liquidated damages, attorney's fees, and costs totaling \$184,544.79.

## PROCEDURAL HISTORY

Plaintiffs filed the action alleging that Plumbing Contractors, Inc. failed to submit required contributions, dues, and fees to employee-benefit funds established by Plumbers Local Union No. 17. Defendant never responded to the Complaint, and the Clerk entered default. Plaintiffs then moved for default judgment; after the court requested additional information concerning damages and attorney's fees, Plaintiffs submitted a supplemental brief and supporting affidavits. The court granted the motion and entered an award of \$184,544.79.

## DISPOSITION

other

## CASES CITED

- Wehrs v. Wells, 688 F.3d 886, 892 (7th Cir. 2012)
- Antoine v. Atlas Turner, Inc., 66 F.3d 105, 110 (6th Cir. 1995)
- A.P. Moller-Maersk A/S v. Safewater Lines (I) Pvt., Ltd., 784 F. App'x 221, 229 n.6 (5th Cir. 2019)

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