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MARGARETTE CLEVELAND
RECORDER

AO 450 (Rev. 5/85) Judgment in a Civil Case

United States District Court
Northern District of Indiana



INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, et al

JUDGMENT IN A CIVIL CASE

v.

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Case No. 2:92 cv 362

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, et al

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FILED

APR 11 1995

GERALDINE J. CROCKETT, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

STOP



- [] Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- [XX] Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Summary Judgment be entered for
defendants and against plaintiffs.

This document entered pursuant to Rules 79(A) and 58
of the Federal Rules of Civil Procedure on:

April 11, 1995

Geraldine J. Crockett

By Kathleen Prack
Deputy Clerk

A TRUE COPY ATTEST:

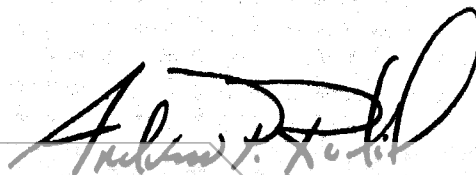
DATE: Sept. 6, 1995

Kathleen Prack Deputy
Stephen R. Ludwig Clerk
United States District Court
Northern District of Indiana

17.0

For the foregoing reasons, the Motion for Summary Judgment
filed by the defendants on April 5, 1994, is **GRANTED**.

ENTERED this 11 day of April, 1995



Andrew P. Rodovich
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

INTERNATIONAL BROTHERHOOD OF)
BOILERMAKERS, IRON SHIP)
BUILDERS, BLACKSMITHS, FORGERS)
AND HELPERS, LOCAL 374 AND SAM)
CARLINO, INDIVIDUALLY AND AS)
BUSINESS MANAGER OF LOCAL 374,)

Plaintiffs)

v.)

Case No. 2:92 cv 362

INTERNATIONAL BROTHERHOOD OF)
BOILERMAKERS, IRON SHIP)
BUILDERS, BLACKSMITHS, FORGERS)
AND HELPERS AND CHARLES W.)
JONES, INDIVIDUALLY AND AS)
PRESIDENT OF INTERNATIONAL)
BROTHERHOOD; LAWRENCE J.)
McMANAMON, INDIVIDUALLY AND AS)
INTERNATIONAL VICE-PRESIDENT;)
A.E. WALSER, INDIVIDUALLY AND)
AS ASSISTANT TO THE)
INTERNATIONAL PRESIDENT; EARL)
POST, INDIVIDUALLY AND AS)
INTERNATIONAL REPRESENTATIVE,)

Defendants)

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FILED

APR 11 1995

GERALDINE J. CROCKETT, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

This matter is before the court on the Motion for Summary Judgment filed by the defendants on April 5, 1994. To date, no response has been filed. For the reasons set forth below, the motion is GRANTED.

Under Local Rule 7.1(a), the failure to respond to a motion for summary judgment "may subject the motion to summary ruling." In filing their motion for summary judgment, the defendants complied with Local Rule 56.1 and filed a "Statement of Material Facts." Since the plaintiffs did not file a "Statement of

Genuine Issues" as required by Local Rule 56.1, "the court will assume that the fact[s] as claimed and supported by admissible evidence by the moving party are admitted to exist . . ." See generally Johnson v. Gudmundsson, 35 F.3d 1104, 1108 (7th Cir. 1994); Flaherty v. Gas Research Institute, 31 F.3d 451, 453 (7th Cir. 1994); and Doe v. Cunningham, 30 F.3d 879, 882 (7th Cir. 1994).

Since the plaintiff bears the burden of proof, the plaintiff may not rest on the pleadings but must produce evidence showing that there is a genuine issue which requires a trial. Hong v. Childrens Memorial Hospital, 993 F.2d 1257, 1261 (7th Cir. 1993); and Bronell v. Figel, 950 F.2d 1285, 1293 (7th Cir. 1991). Even if a party has not responded, the court must determine whether summary judgment is appropriate and may not enter summary judgment as a sanction. Johnson, 35 F.3d at 1112; and Doe, 30 F.3d at 883.

This court has examined the Statement of Material Facts filed by the defendants. It complies with Local Rule 56.1 and contains citations to affidavits and exhibits. This court also has examined the Memorandum filed in support of the motion for summary judgment. It contains statutory and case authority which supports the motion for summary judgment. Based upon the undisputed facts, the defendants are entitled to judgment as a matter of law.