

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
Plaintiffs,)
v.) 09 CV 7062
LISCHING CONSTRUCTION COMPANY,)
INC.,) Judge Kendall
Defendant.)

**MOTION TO PROVE UP
DAMAGES AND FOR FINAL JUDGMENT**

Plaintiffs, the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION
FUND, ET AL. (collectively “Trust Funds”), by their attorney Kevin P. McJessey, hereby move
this Court pursuant to prove up damages and for final judgment against LISCHING
CONSTRUCTION COMPANY, INC., an Illinois corporation (“Defendant”). In support of their
motion, Trust Funds state as follows:

1. The Defendant was defaulted by this Court on October 18, 2010. *See* Exhibit A,
Court Order dated October 18, 2010.

2. Trust Funds hereby submits this petition to prove up damages and for entry of
final judgment against Defendant.

3. The amount owed by Defendant is \$192,121.06 as follows:

A. \$132,101.50 in unpaid contributions pursuant to the audit; *see* Decl. of J. Libby,
¶5, Exhibit B;

B. \$2,495.75 for auditor’s fees incurred by the Trust Funds to complete the audit of
Defendant’s books and records; *see* Decl. of J. Libby, ¶6, Exhibit B; Decl. of C. Kogut, ¶2,
Exhibit C;

C. \$23,840.18 in interest under ERISA on the amount that is due; *see* 29 U.S.C. § 1132(g)(2)(B); 29 U.S.C. § 1132(g)(2)(C); Decl. of J. Libby, ¶7, Exhibit B;

D. \$26,420.30 in liquidated damages; *see* Decl. of J. Libby, ¶7, Exhibit B; and

E. \$7,263.33 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D); *see* McJessey Decl., ¶4, Exhibit D.

A draft order is attached as Exhibit E.

WHEREFORE, Plaintiffs the Chicago Regional Council of Carpenters' Fund et al. hereby move this Court to enter judgment in their favor and against Defendant LISCHING CONSTRUCTION COMPANY, INC., in the amount of \$192,121.06 as follows:

- A. \$132,101.50 in unpaid contributions pursuant to the audit;
- B. \$2,495.75 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$23,840.18 in interest under ERISA on the amount that is due;
- D. \$26,420.30 in liquidated damages;
- E. \$7,263.33 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D);
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order; and
- G. such other relief as this Court deems appropriate.

CHICAGO REGIONAL COUNCIL OF CARPENTERS
PENSION FUND et al.

By: s/ Kevin P. McJessey
One of their attorneys

Kevin P. McJessey
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CERTIFICATE OF SERVICE

I, Kevin P. McJessey, an attorney, certify that I caused the foregoing **Plaintiffs' Motion to Prove Up Damages and for Final Judgment** be served upon

Lisching Construction Company, Inc.
c/o Russell Stewart, Registered Agent
805 W. Touhy Ave.
Park Ridge, IL 60068

via the Court's CM/ECF filing system on October 26, 2010

AND TO

Michael W. Lisching, President
Lisching Construction Company, Inc.
PO Box 180
Winfield, IL 60190

Michael Lisching, President
Lisching Construction Co.
191 Half Moon Bay Ct.
Romeoville, IL 60446

via U.S. Mail, postage prepaid, deposited in the United States Mail Depository located at 3759 N. Ravenswood, Chicago, Illinois on this 26th day of October 2010.

s/ Kevin P. McJessey
Kevin P. McJessey