

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRAL LABORERS' PENSION,)	
WELFARE AND ANNUITY FUNDS,)	
)	
Plaintiffs,)	NO. 04 C 5177
v.)	
)	Judge Aspen
CHAMPION ENVIRONMENTAL)	
SERVICES, INC.)	Magistrate Judge
)	Susan E. Cox
Defendant.)	

**MOTION TO REINSTATE THE MATTER AND ENTER JUDGMENT AGAINST
DEFENDANT, CHAMPION ENVIRONMENTAL SERVICES AND
DOMINICK GORNIAK, INDIVIDUALLY**

NOW COMES the Plaintiffs, CENTRAL LABORERS' PENSION, WELFARE AND ANNUITY FUNDS (hereinafter called "Plaintiffs"), by and through their attorneys, MARC M. PEKAY, P.C. and hereby moves for a Motion to Reinstate the Matter and Enter Judgment Against Defendant, Champion Environmental Services and Dominick Gorniak, Individually, in support of this Motion, Plaintiffs state of follows:

1. On November 19, 2008, this Court was informed that a Settlement Agreement was reached whereby Champion Environmental agreed to pay the Central Laborers' \$300,000.00 with payments to begin on March 31, 2009, of \$150,000.00 and \$12,500.00 due on either the 30th or 31st of the months thereafter.

2. Pursuant to the Settlement Agreement, and as admitted in Court, Dominic Gorniak personally guaranteed the obligation of Champion Environmental Services.

3. Neither Champion Environmental Services nor Dominic Gorniak has complied with the Settlement Agreement.

4. This Court retained jurisdiction to enforce the Settlement Agreement as long as it was reinstated prior to April 30, 2010.

5. Pursuant to the Settlement Agreement, notice was to be given to Todd Lyster. Attached to this Motion, as Exhibit A, is the fourteen (14) day notice.

6. Based upon the Company's failure to pay the initial or installment payments and the Settlement Agreement that indicated failure to pay would result in the entire balance becoming due, Plaintiffs move that a Judgment be entered against Champion Environmental Services and Dominic Gorniak, personally, in the amount of \$300,000.00.

Respectfully submitted,

s/Marc M. Pekay
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