

**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. On May 11, 2010 this Court was informed that Champion had made some payments and this Court urged the parties to resolve the matter and that the matter could be reinstated prior to September 15, 2010 if Champion had not complied by making the periodic payments.

4. Attached hereto, as Exhibit A, is a letter dated May 11, 2010 in which I informed Champion's attorney that this Court wanted the matter resolved.

5. Champion has failed to make any payment after May, 2010.

6. Champion continues to owe \$112,500.00.

7. Based on the Company's failure to pay pursuant to the Settlement Agreement, Plaintiff moves that the matter be reinstated and that a Judgment be entered against Champion Environmental Services and Dominic Gorniak in the amount of \$112,500.00 plus additional legal fees and costs incurred because of the breach of the settlement.

Respectfully submitted,

s/Marc M. Pekay
MARC M. PEKAY

MARC M. PEKAY, P.C
77 W. Washington Street
Suite 719
Chicago, IL 60602
(312) 606-0980