

**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 again moves for a Motion to Reinstate the Matter and Enter Judgment against the Defendant Champion Environmental Services and Dominic Gorniak, individually, for failure to make agreed upon installment payments. In support of the Motion, Plaintiffs state as follows:

1. The Settlement Agreement entered into by the parties required Champion to pay \$12,500.00 beginning in March, 2009 and further provided that Dominic Gorniak personally guarantee the obligation.

2. In response to several prior motions to reinstate the matter, Champion made some payments and agreed to reinstate the monthly payment of \$12,500.00.

3. Attached hereto as Exhibit A is a letter dated October 22, 2010 to Mr. Lyster, Defendants' attorney, acknowledging receipt of the money and informing him that the balance due and owing is \$62,500.00.

4. Attached hereto as Exhibit B is a letter dated December 8, 2010, in which the Defendants were again advised that no payments were received for November or December and the money is due. As set forth in the letter, the only time it appears that Champion Environmental pays their installment is in response to a Motion to Reinstate the case.

5. Since the initial Settlement Agreement, Plaintiffs have expended additional funds in attempting to collect the money. Attached hereto as Exhibit C is an affidavit of Marc M. Pekay setting forth the additional hours spent and costs to Plaintiffs.

WHEREFORE, Plaintiffs respectfully request that:

1. the case be reinstated; and
2. a Judgment be entered in the amount of \$62,500.00, the amount remaining unpaid; and
3. in addition, the Plaintiffs be awarded the amount of \$4,840.00 for all legal fees incurred in attempting to collect on the Settlement Agreement.

Respectfully submitted,

BY: s/Marc M. Pekay
MARC M. PEKAY
Attorney for Plaintiffs

MARC M. PEKAY, P.C.
77 W. Washington Street
Suite 719
Chicago, IL 60602
(312) 606.0980