

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

MIKE SHALES, JOHN BRYAN Sr., AL OROSZ, JOSEPH MANN, TOBY KOTH and GORDON ANDERSON as Trustees of THE FOX VALLEY LABORERS' HEALTH AND WELFARE FUND,

and

MIKE SHALES, JOHN BRYAN Sr., AL OROSZ, TOBY KOTH, GORDON ANDERSON and DAN BREJC as Trustees of THE FOX VALLEY LABORERS' PENSION FUND,

Plaintiffs,

v.

IBARRAS CEMENT CO., INC., and LEONARDO IBARRA, individually and d/b/a IBARRAS CEMENT CO., INC.,

Defendants.

Case No.: 05 C 6585

Judge: Hibbler

Magistrate Judge Valdez

FIFTH SUPPLEMENTAL JUDGMENT AGAINST IBARRAS CEMENT CO., INC. AND TURN-OVER ORDER DIRECTED AT TICOR TITLE

THIS MATTER coming to be heard on the Plaintiffs' Motion for a Fifth Supplemental Judgment Against Ibarras Cement Co., Inc. And Turn-Over Order Directed at Ticor Title. The Court has examined the Plaintiffs' submissions, due notice having been given, and the Court fully advised in the premises. It appears that good cause exists for granting the Plaintiffs' motion. There is no just cause to delay the enforcement or appeal or both.

WHEREAS, the Plaintiffs filed a complaint on November 18, 2005 against IBARRAS CEMENT CO., INC. and LEONARDO IBARRA, individually and doing business as IBARRAS CEMENT CO., INC., to collect reports and contributions owed to the Plaintiffs and to enforce

the terms of a collective bargaining agreement;

WHEREAS, this Honorable Court entered an Judgment Orders in this matter on March 20, 2006, August 2, 2006, September 27, 2006, March 21, 2007, and February 19, 2008;

WHEREAS, only a portion of the Fourth Supplemental Judgment has been paid to the Plaintiffs and the Plaintiffs have incurred supplemental attorneys' fees and costs since the entry of the Fourth Supplemental Judgment Order as a result of their efforts to pursue collections of the Judgment amount and to seek the Defendant Company's, its representatives' and related third parties' compliance with the Orders of this Court;

WHEREAS, given the nature of this case and work expanded by Plaintiffs' counsel, the Court finds those supplemental attorneys' fees and costs be reasonable and justifiably incurred as a result of the Defendant Company and its agents' actions;

WHEREAS, upon application of the Plaintiffs and for good cause shown, a Fifth Supplemental Judgment Order is hereby entered against Defendant IBARRAS CEMENT CO., INC., and

IT IS HEREBY ORDERED:

1. A fifth supplemental judgment is hereby entered in this cause against IBARRAS CEMENT CO., INC., in the amount of \$18,686.67 for the supplemental attorneys' fees and costs that the Funds have incurred since the entry of the Fourth Supplemental Judgment Order and including amounts unpaid on the Fourth Supplemental Judgment Order and Defendant IBARRAS CEMENT CO., INC., is hereby ordered to pay to the Funds \$43,250.13.

2. The terms of the Court's prior Judgment Orders entered in this cause on March 20, 2006, Supplemental Judgment Order entered on August 2, 2006, Second Supplement Judgment Order entered on September 27, 2006, Third Supplemental Judgment Order entered on March

21, 2007 and Fourth Supplemental Judgment Order entered on February 19, 2008, shall remain in effect and shall be incorporated as a part of this Fifth Supplemental Judgment Order.

3. It is further ordered that TICOR TITLE INSURANCE CO., shall turn over to the Fox Valley Laborers' Health and Welfare Fund and the Fox Valley Laborers' Pension Fund (the "Funds") the amount of \$43,250.13 that it is presently holding belonging to the Judgment-Debtor IBARRAS CEMENT CO., INC., immediately upon receipt of this Order.

ENTERED:

By: _____

HONORABLE JUDGE WILLIAM J. HIBBLER Dated