

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

Thomas J. Moriarty, as Trustee on behalf of the Teamsters Local Union No. 727 Pension Fund, the Teamsters Local Union No. 727 Health and Welfare Fund, and the Teamsters Local Union No. 727 Legal and Educational Assistance Fund, and as agent for the Parking Industry Labor-Management Committee,

Plaintiff,

v.

Robert Lakin, Individually and d/b/a United of America Garage,

Defendant.

Case No. 05-cv-6936  
Judge Darrah  
Magistrate Judge Valdez

**MOTION FOR ENTRY OF JUDGMENT**

Pursuant to the stipulated order entered by this Court on November 14, 2008, Plaintiff respectfully moves this Court for entry of judgment in his favor and against the Defendant Robert Lakin in the amount of \$169,993.22, stating the following in support:

1. With the Court's leave, Plaintiff filed his Amended Complaint on August 20, 2008, alleging that Plaintiff had audited Defendant's payroll records for the period July 1, 2002, through October 31, 2007 (the "Audit Period"), and that the audit had revealed that Defendant had failed to make certain required contributions to the Funds during the Audit Period.

2. On November 14, 2008, this Court entered a stipulated order noting that Defendant acknowledged its obligation to contribute to the Funds throughout the contested period, and that the only potential remaining dispute was as to damages. The stipulated order provided that Plaintiff submit a statement of damages, including delinquent contributions,

interest, liquidated damages, audit fees, attorneys' fees and costs by Wednesday, November 26, 2008. The stipulated order further provided that, if Defendant failed to submit a response on or before December 10, 2008, the Court may enter judgment in favor of Plaintiff and against Defendant in accordance with Plaintiff's submission. (Docket No. 39.)

3. With the Court's leave, Plaintiff submitted his Statement of Damages on December 11, 2008, and Defendant's time to respond was extended to December 19, 2008. (Docket Nos. 42 and 43.)

4. Defendant has submitted no response to Plaintiff's Statement of Damages.

5. Since submitting its Statement of Damages on December 3, 2008, Plaintiff has incurred additional attorneys' fees totaling \$365.50. (Declaration of David Huffman-Gottschling, attached as Exh. 1.)

6. Plaintiff's total damages as reported and substantiated in his Statement of Damages, and including the additional \$365.50 in attorneys' fees, are set forth below:

	<b>Welfare Fund</b>	<b>Pension Fund</b>	<b>Legal Fund</b>	<b>PILMC</b>	<b>Total</b>
Delinquent Contributions	\$83,015.00	\$24,185.00	\$2,499.00	\$60.00	\$109,759.00
Interest	17,856.40	4,855.01	551.73	21.01	23,284.15
Greater of Interest/20% LDs	17,856.40	4,855.01	551.73	21.01	23,284.15
Audit Costs	1,522.44	528.63	42.29	21.14	2,114.50
Attorneys' Fees and Costs					11,551.42
Grand Total					<u>\$169,993.22</u>

FOR ALL THE FOREGOING REASONS, Plaintiff requests that this Court enter judgment in his favor and against Defendant in the amount of \$169,993.22.

Respectfully submitted,

s/ David Huffman-Gottschling  
One of Plaintiff's attorneys

David Huffman-Gottschling  
ARDC No. 6269976  
Jacobs, Burns, Orlove, Stanton and Hernandez  
122 S. Michigan Ave., Ste. 1720  
Chicago, Illinois 60603  
(312) 372-1646

#### **CERTIFICATE OF SERVICE**

I, David Huffman-Gottschling, an attorney, certify that I caused a copy of the foregoing document to be served upon the following person by e-mail and by first-class mail on Thursday, January 22, 2009:

Stephen M. Thacker  
Goldberg, Weisman & Cairo, Ltd.  
1 E. Wacker Dr., 34th Fl.  
Chicago, IL 60601-9654

s/ David Huffman-Gottschling  
David Huffman-Gottschling

# EXHIBIT 1

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Case No. 05-cv-6936  
Judge Darrah  
Magistrate Judge Valdez

**DECLARATION OF DAVID HUFFMAN-GOTTSCHLING**

I, David Huffman-Gottschling, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct.

1. I am an attorney and a partner in the law firm of Jacobs, Burns, Orlove, Stanton & Hernandez ("JBOSH"). I previously gave a declaration in this matter on December 2, 2008, which I hereby incorporate by reference.

2. Since I gave my prior declaration, I have spent 0.2 hours communicating with opposing counsel and filing Plaintiff's motion for leave to submit his statement on damages, 0.5 hours attending a motion hearing on December 11, 2008, and 0.5 hours preparing the instant motion. I further estimate that I will spend another 0.5 hours attending the motion hearing on the instant motion on January 29, 2009, for a total of 1.7 hours spent in connection with this matter since December 2, 2008.

3. A reasonable and customary billing rate for these services is \$215.00 per hour. At

this rate, attorneys' fees incurred since December 2, 2008, total \$365.50.

4. The above fees, totaling **\$365.50**, were all necessary for the prosecution of this matter and are reasonable in amount.

Executed on January 21, 2009.

s/ David Huffman-Gottschling  
David Huffman-Gottschling