

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

CHARLES E. ANDERSON, <i>et al.</i> ,)	
)	Case No. 06 C 4229
)	
Plaintiffs,)	Judge Gottschall
v.)	Magistrate Judge Brown
)	
NORMAN LILES, an individual d/b/a PUTNAM)	
COUNTY PAINTING, PUTNAM COUNTY PAINTING,)	
INC., and ILLINOIS VALLEY COATING, INC.)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, through counsel, move the Court for the entry of judgment against Defendants, jointly and severally, in the amounts set forth in their Statement of Damages under ERISA § 502(g)(2), 29 U.S.C. § 1132(g)(2). Plaintiffs state in support:

1. On March 30, 2011, the Court entered a minute order and Memorandum Opinion and Order which granted in part and denied in part Plaintiffs' Motion for Summary Judgment (R. 153, 154).
2. On July 29, 2011, the Court entered a minute order and Memorandum Opinion and Order which granted in part and denied in part Plaintiffs' Motion for Reconsideration of portions of the summary judgment order (R. 210, 211).
3. The July 29, 2011 minute order directed Plaintiffs to submit a statement of damages by August 23, 2011.
4. On August 23, 2011, Plaintiffs, in accord with the Court's directive, pursuant to § 502(g)(2) of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §1132(g)(2), and under Fed.R.Civ.P. 54(d), submitted their Statement of Damages, including a request for attorneys' fees and costs to be determined under LR 54.3 (R. 212).

5. The Court issued a minute order on September 1, 2011 directing Defendants to respond by September 22, 2011 and Plaintiffs to reply by October 6, 2011 (R. 213).

6. The docket reflects that Defendants did not file a response to Plaintiffs' Statement of Damages by September 22, 2011 or any time thereafter.

WHEREFORE, Plaintiffs respectfully request that this Court grant their motion and enter a money judgment in Plaintiffs' favor and against Defendants Norman Liles individually and d/b/a Putnam County Painting, Putnam County Painting, Inc., and Illinois Valley Coating, Inc., **jointly and severally** in the total amount of \$2,396,730.42. This amount consists of: \$653,849.45 in unpaid contributions; \$866,390.38 in pre-judgment interest through August 23, 2011; \$866,390.38 in additional interest as allowed by 29 U.S.C. § 1132(g)(2)(C)(i); and \$10,100.21 in audit costs as allowed under case law interpreting 29 U.S.C. § 1132(g)(2)(E), as set forth and established in Plaintiffs' Statement of Damages.

Plaintiff also request that the Court award them their reasonable attorneys' fees and costs under ERISA § 502(g)(2)(D), 29 U.S.C. § 1132(g)(2)(D), in an amount to be determined under Local Rule 54.3 after the Court has ruled upon this motion and entered a final judgment.

Respectfully submitted,

/s/ William W. Leathem

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CERTIFICATE OF SERVICE

I certify that on September 30, 2011, I electronically filed this PLAINTIFFS' MOTION FOR ENTRY OF JUDGMENT with the Clerk of the court using the CM/ECF system, which shall provide notification by email of such filing to:

Jeffrey A. Risch
Beverly P. Alfon
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/s/ William W. Leathem
William W. Leathem