

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

HOTEL EMPLOYEES AND RESTAURANT)	
EMPLOYEES INTERNATIONAL UNION)	
WELFARE FUND, and H.W. WARD as)	
fiduciary of the HOTEL EMPLOYEES AND)	
RESTAURANT EMPLOYEES)	
INTERNATIONAL UNION WELFARE FUND,)	CIVIL ACTION
)	
Plaintiffs,)	NO. 06 C 4630
)	
vs.)	JUDGE ROBERT M. DOW, JR.
)	
PRINTER'S ROW, LLC, d/b/a)	
HOTEL BLAKE, and ROBERT FALOR,)	
individually,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR JUDGMENT AGAINST DEFENDANT ROBERT FALOR

Plaintiffs, by and through their attorneys, request that this Court enter an Order of judgment against Defendant Robert Falor, as based upon the parties' stipulation. In support of that motion Plaintiffs state as follows:

1. The Funds filed their complaint on August 6, 2006, seeking to recover unpaid fringe benefit contributions, interest, liquidated damages, and costs and attorneys fees from Printers Row, LLC. The Funds filed an Amended Complaint on April 14, 2008, adding a breach of fiduciary duty claim against Defendant Robert Falor.

2. Plaintiffs have attempted to depose Defendant Falor four times, without success. After Plaintiffs' third attempt to depose Mr. Falor they filed a motion to compel his deposition. On August 6, 2009, at the hearing on the motion to compel the parties agreed that the Plaintiffs would depose Falor on August 19, 2009. The parties also stipulated on the record at the hearing that if Mr.

Falor did not appear for the deposition on August 19, 2009 judgment would be entered against him in the amount of \$338,320.38. The parties filed a written stipulation with this Court later that day.

3. On the morning of August 19, 2009, Plaintiffs counsel received a message from counsel of record Ariel Weissberg that Mr. Falor would not appear for the deposition. Plaintiffs' counsel called Mr. Weissberg to confirm that, in fact, Mr. Falor would not appear for the deposition. Plaintiffs' counsel then told Mr. Weissberg that she would be filing a motion for entry of judgment.

WHEREFORE: Plaintiffs request that this Court enter judgment against Robert Falor in the total amount of \$338,320.38 in accordance with the parties stipulation filed with this Court on August 6, 2009.

Respectfully submitted,

/s/ Laura M. Finnegan
One of the Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on August 19, 2009, on or before the hour of 5:00 p.m., she electronically filed the foregoing document, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/ Laura M. Finnegan

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