

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                                 |   |                   |
|---------------------------------|---|-------------------|
| LINE CONSTRUCTION BENEFIT FUND, | ) |                   |
| A HEALTH AND WELFARE FUND,      | ) |                   |
|                                 | ) |                   |
| Plaintiff,                      | ) |                   |
|                                 | ) |                   |
| v.                              | ) | Case No. 07C 0950 |
|                                 | ) |                   |
| ALLIED ELECTRICAL CONTRACTORS,  | ) | Judge Pallmeyer   |
| INC., A Tennessee Corporation,  | ) |                   |
|                                 | ) | Mag. Judge Ashman |
| Defendant.                      | ) |                   |

MOTION FOR ENTRY OF JUDGMENT

Now comes the Plaintiff, Line Construction Benefit Fund, a Health and Welfare Fund, through its Attorney, Robert B. Greenberg, and moves for entry of judgment pursuant to the Court’s Memorandum and Order entered on 11/25/2008, wherein the Court granted Plaintiff’s Motion for Summary Judgment, and in support of its Motion, Plaintiff states as follows:

- 1) The Court has found in favor of Plaintiffs on its Motion for Summary Judgment.
- 2) That the amount as claimed due by Plaintiff from Defendant totaled \$138,605.25, which amount was not disputed by Defendant, and which was based on Defendant’s contribution reports for the months of July, August and December 2006, and January and February 2007.

3) The Funds are entitled to recovery of interest, liquidated damages, attorneys' fees and court costs, pursuant to provisions of ERISA, 29 U.S.C. §1132(g)(2) and Sec. 1145.

4) Allied Electrical is obligated to pay interest on its delinquent contributions as provided for in the Restated Trust Agreement the ERISA Statute, and since there was no specific interest rate established by the Fund Trustees, interest is determined pursuant to Chapter 26 §6621 of the Internal Revenue Code, and as set forth in Plaintiff's Exhibit 1, in the amount of \$20,882.57, for interest through 12/31/2008.

5) Liquidated damages as provided for in the ERISA Statute 29 U.S.C. §1132(g)(2) are found to be due in the amount of \$27,721.04, which is 20% of the delinquent contributions.

6) That Plaintiff be awarded reasonable attorneys' fees totaling \$13,162.50, for fees, and \$445.00 costs, in accordance with Plaintiff's Affidavit, submitted herewith, as Exhibit 2.

WHEREFORE, Plaintiff prays that judgment be entered in favor of Plaintiff and against Defendant in the amount of \$200,816.36, which amount includes liquidated damages, interest, court costs and attorneys' fees.

Respectfully submitted,  
Attorney for Plaintiff

/s/ Robert B. Greenberg  
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