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

AMERICAN AUDIO VISUAL CO. d/b/a ABSOLUTE PRODUCTION SERVICES,

Plaintiff,

No. 07 C 4948

Magistrate Judge Keys

Judge Coar

v.

PAULA A. ROUILLARD and MARKETING GROUP WEST.

Defendants.

## MOTION FOR JUDGMENT AND AWARD OF DAMAGES AGAINST DEFENDANT MARKETING GROUP WEST

Plaintiff American Audio Visual Co. d/b/a Absolute Production Services ("APS"), through its attorneys Miller, Canfield, Paddock & Stone, PLC, moves this honorable court for an order of judgment and damage award in its favor and against defendant Marketing Group West ("MGW"). In support of its motion, APS states as follows:

- 1. On March 21, 2008, MGW was added as a defendant in this lawsuit. (Complaint, Ex. 1).
- 2. APS's Complaint prays for damages stemming from a former employee taking APS's client's business and bringing it to MGW.
- 3. On March 24, 2008, APS served MGW with a Waiver of Service and Notice of Lawsuit.
- 4. In April 2008, Philip L. Ginsburg, an attorney representing MGW, telephoned counsel for APS requesting a settlement demand.
  - 5. The parties exchanged various e-mails, but to no avail.

6. Due to MGW's refusal to return the Waiver of Service, APS hired a process

server who served MGW on June 17, 2008. (Summons, Ex. 2).

7. On July 10, 2008, APS filed a Motion for Default Judgment which was granted on

July 21, 2008. (Order, Ex. 3).

8. Thirty days have passed since this Court's order granting the default motion.

9. APS prays for damages in the amount of lost business, including punitive

damages.

10. Attached is the Affidavit of Frank Nicosia requesting \$63,000.00 in compensatory

damages and \$15,000.00 in the form of punitive damages, for a total award of \$78,000.00.

(Affidavit, Ex. 4).

WHEREFORE, American Audio Visual Co. d/b/a Absolute Production Services prays

that this honorable court award it \$63,000.00 in compensatory damages and \$15,000 in punitive

damages, for a total judgment award of \$78,000.00.

Miller, Canfield, Paddock and Stone, P.L.C.

By: s/Cara M. Houck

**Attorneys for Defendants** 

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that on September 26, 2008 a copy of the foregoing Motion for Judgment and Award of Damages Against Defendant Marketing Group West was filed electronically using the CM/ECF system. Notice of this filing will be served upon:

Marketing Group West 2010 Crow Canyon Place Suite 100 San Ramon, CA 94583

by Federal Express on the 26<sup>th</sup> day of October, 2008, and upon:

Paula Rouillard 4010 West Carol Avenue Phoenix, AZ 85051

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States mail box located at 225 West Washington Street, Chicago, Illinois at or before 5:00 p.m. on the 26<sup>th</sup> day of September, 2008.

s/Cara M. Houck