

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

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 07 C 5741
)	
K.C.W. ENVIRONMENTAL CONDITIONING,)	JUDGE ROBERT W. GETTLEMAN
INC., an Illinois corporation,)	
)	
Defendant.)	

**MOTION FOR ENTRY OF JUDGMENT
 PURSUANT TO THE TERMS OF A CONSENT DECREE**

NOW COME Plaintiffs, by and through their attorneys, and move for entry of judgment against Defendant, K.C.W. ENVIRONMENTAL CONDITIONING, INC., pursuant to the terms of a Consent Decree entered by this Court on April 14, 2008. In support of the Motion, Plaintiffs state:

1. On April 14, 2008, pursuant to the agreement of the parties, this Court entered a Consent Decree. The Court retained jurisdiction to enforce the Consent Decree (a copy of the Consent Decree entered on April 14, 2008 is attached hereto).

2. Defendant agreed that it owed Plaintiffs \$112,610.64 for fringe benefit contributions and liquidated damages and agreed to pay this amount by way of a payment schedule as set forth in Paragraph 4 of the Consent Decree.

3. Defendant agreed to remain current with respect to the submission of monthly reports and payments of fringe benefit obligations that accrued for the period of January 2008 through February 2009, along with the payments set forth in Paragraph 4 of the Consent Decree.

4. Defendant made all payments due pursuant to the payment schedule. However, Defendant failed to remain current with respect to submission of reports, contributions and liquidated damages due for the time period January 2008 through February 2009.

5. For the time period October 2008 through January 2009, Defendant submitted fringe benefit contribution reports without the payment of the fringe benefit contributions and liquidated damages due thereon. (Affidavit of Scott P. Wille).

6. Accordingly, Defendant owes \$66,010.42 for contributions for October 2008 through January 2009 (Wille Aff. ¶4(c)).

7. Additionally, the amount of \$6,601.04 is due for liquidated damages (Wille Aff. ¶5).

8. The Consent Decree provided that in the event Defendant failed to make any payments described therein, Defendant would be considered in violation of the Consent Decree. In such an event, Defendant consented to the entry of judgment against it and in favor of Plaintiffs for all unpaid installments due under the Consent Decree, all contributions and liquidated damages that became due during the time frame of the payment schedule set forth in Paragraph 4 of the Consent Decree, and all of the Plaintiffs' attorneys' fees and costs incurred to date.

9. Plaintiffs' firm has expended the amount of \$730.00 for costs and \$5,070.00 for attorneys' fees, for a total of \$5,800.00, in this matter. (See Affidavit of Catherine M. Chapman).

10. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$78,411.46.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$78,411.46.

/s/ Catherine M. Chapman

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on **Monday**, the **30th** day of **March 2009**, on or before the hour of **5:00 p.m.**, she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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