

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

TERRENCE J. HANCOCK, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 07 C 6163
)	
SHARROD TRANSPORT COMPANY,)	JUDGE MILTON I. SHADUR
INC., an Illinois corporation, and)	
WAYNE S. TURMAN, individually,)	
)	
Defendants.)	

PLAINTIFFS’ UNOPPOSED MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, request this Court enter judgment against Defendants, SHARROD TRANSPORT COMPANY, INC., an Illinois corporation, and WAYNE S. TURMAN, individually. Defendants having filed their Amended Answer to Plaintiffs’ Amended Complaint on December 26, 2008, do not oppose said Motion. In support of that Motion, Plaintiffs state:

1. On August 5, 2008, Plaintiffs filed its First Amended Complaint.
2. On October 8, 2008, Plaintiffs filed a motion for an order directing Defendant to turn over its monthly fringe benefit contribution reports for March 2008 forward. On October 15, 2008, this Court entered and continued to the Plaintiffs’ motion until October 31, 2008 and directed Defendants to file their responses by October 31, 2008.
3. On October 16, 2009, Constantine N. Dranias filed his appearance as counsel for Defendants.

4. On October 31, 2008, Defendants filed their answers to Plaintiffs' Amended Complaint.

5. On November 3, 2008, Plaintiffs' motion for an order directing Defendant to turn over monthly fringe benefit contribution reports was granted. Defendants' answer to Plaintiffs' complaint was stricken and Defendants were ordered to file a proper answer by November 7, 2008.

6. On November 10, 2008, Defendant Sharrod Transport Company's Inc.'s answer to Plaintiffs' Amended Complaint was stricken with leave to refile an amended answer pursuant to Local Rule 10.1 by November 17, 2008.

7. On December 26, 2008, Defendants filed their Amended Answer to Plaintiffs' Amended Complaint.

8. On January 7, 2009, Plaintiffs' counsel and Defendants' counsel discussed settlement of the instant litigation. However, the parties were unable to resolve the matter. Defendants' counsel indicated his clients would be filing a voluntary bankruptcy petition.

9. On January 29, 2009, Defendants' counsel informed Plaintiffs' counsel, by a letter dated January 27, 2009, that Defendants were unable to file the bankruptcy petition because of lack of funds. Defendants' counsel also indicated that the Defendant corporate would consent to having judgment entered against it.

10. On February 12, 2009, Plaintiffs' counsel informed Defendants' counsel that the Trustees would not agree to a judgment solely against the corporate defendant. On February 20, 2009, Defendants' counsel informed Plaintiffs' counsel that they would not oppose a motion for judgment against the Defendants.

11. Pursuant to the monthly fringe benefit contribution reports submitted by Defendants for the time period July 2007 through December 2007, and records subpoenaed from a third party covering the same time period, the Defendants are delinquent in contributions to the Welfare Fund in the amount of \$3,916.03 and to the Pension Fund in the amount of \$3,056.40, for a total of \$6,972.43. (See Affidavit of Terrence J. Hancock).

12. Additionally, Defendants owe twenty (20%) percent liquidated damages in the amount of \$783.21 to the Welfare Fund and \$611.28 to the Pension Fund, for a total of \$1,394.49. (Hancock Aff. Par. 5).

13. In addition, Plaintiffs' firm has expended the total amount of \$505.00 for costs and \$10,043.75 in attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

14. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$18,915.67.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$18,915.67.

/s/ Cecilia M. Scanlon

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on Thursday, the 26th day of February 2009, on or before the hour of 5:00 p.m., she electronically filed the foregoing document (Plaintiffs' Unopposed 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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