

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

<b>LABORERS' PENSION FUND et al.,</b>	)	
<b>Plaintiffs,</b>	)	<b>Case No. 08 C 250</b>
<b>v.</b>	)	
	)	<b>Judge ASPEN</b>
<b>B &amp; M INTERNATIONAL CONSTRUCTION,</b>	)	
<b>an Illinois corporation, and PAWEL MALECKI,</b>	)	
<b>individually,</b>	)	
<b>Defendants.</b>	)	

**MOTION TO REINSTATE AND CONFESS JUDGMENT**

NOW COME Plaintiffs, Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity, and James S. Jorgensen, (collectively referred to hereinafter as the "Plaintiffs" or the "Funds"), by and through their attorney, Patrick T. Wallace, and hereby move this Court to reinstate the case and enter judgment in favor of the Funds and against Defendants B & M International Construction. Inc., (the "Company") and Pawel Malecki ("Malecki") to enforce payment of the remaining amounts due on the Settlement Agreement. In support of this Motion, the Funds state as follows:

1. This matter was dismissed pursuant to the terms of the parties' Settlement Agreement and Agreed Stipulation to Dismiss on August 20, 2008. The matter was dismissed without prejudice and with leave to reinstate on or before February 15, 2009.
2. The Defendants owed one final payment on the Settlement Agreement totaling \$1,100.00.
3. Accordingly, Plaintiffs respectfully request that the matter be reinstated and the judgment be confessed on favor of the Funds and against the Defendants in the

amount of \$1,100.00 representing the remaining amounts due on the Settlement Agreement.

WHEREFORE, Plaintiffs respectfully request that the matter be reinstated and the judgment be confessed on favor of the Funds and against the Defendants in the amount of \$1,100.00 representing the remaining amounts due on the Settlement Agreement.

February 10, 2009

Respectfully submitted,

Laborers' Pension Fund, et al.

By: /s/ Patrick T. Wallace

Office of Fund Counsel  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
(312) 692-1540

**CERTIFICATE OF SERVICE**

The undersigned attorney of record certifies that he caused a copy of the foregoing Motion to Reinstate and Confess Judgment to be served upon the following persons on February 10, 2009 via U.S. First Class Mail postage pre-paid:

B & M International Construction, Inc.  
c/o Zjawin Zbigniew, Employee and Agent  
1010 N. Hoyne  
Chicago, Illinois 60622

Pawel Malecki  
Owner, B & M International Construction, Inc.  
950 N. Milwaukee, Ste 209  
Glenview, Illinois 60026

/s/ Patrick T. Wallace