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

MASONRY INSTITUTE, BRICK	LAYERS)
LOCAL 21 PENSION FUND, BR	ICKLAYERS)
LOCAL 21 OF ILLINOIS APPRE	NTICESHIP)
AND TRAINING PROGRAM, A	ND BRICK-)
LAYERS AND STONE MASONS	6 OF ILLI-)
NOIS DISTRICT COUNCIL NO	1 B.A.C.)
ANNUITY TRUST FUND,)
)
	Plaintiffs,	No. 08C 1153
v.)
) Judge Bucklo
LOUIS TUCKPOINTING, INC.,	an Illinois	
Corporation,) Mag. Judge Keys
-)
	Defendant.)

MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION, AND FOR ENTRY OF JUDGMENT

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on September 29, 2008, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instanter, and for entry of judgment against the Defendant.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

- 1) That pursuant to Settlement Agreement executed by the Defendant on 9/19/2008, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.
 - 2) That notwithstanding the provisions of the Settlement Agreement,

specifically paragraph 2 thereof, the Defendant has failed to remit payments for the months

of February, March and April 2009.

WHEREFORE, in accordance with the provisions of the Agreed Order of Dismissal,

Exhibit "A", Plaintiffs pray that the Order of Dismissal be vacated instanter, Plaintiffs'

cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the

Defendant in the amount of \$42,644.24, as and for the outstanding delinquencies calculated

pursuant to the Judgment Order, which amount does not include current delinquencies

which may be due.

/s/ Robert B. Greenberg

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Dated: April 15, 2009