

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

CARPENTERS FRINGE BENEFIT)	
FUNDS OF ILLINOIS, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1508
)	
EDWARD MACDONALD, individually)	JUDGE JOAN B. GOTTSCHALL
and d/b/a MACDONALD CONSTRUC-)	
TION SERVICES, INC.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on May 29, 2008 request this Court enter judgment against Defendant, EDWARD MACDONALD, individually and d/b/a MACDONALD CONSTRUCTION SERVICES, INC. In support of that Motion, Plaintiffs state:

1. On May 29, 2008, this Court entered default against Defendant and granted Plaintiffs' request for Defendant to turn over monthly fringe benefit contribution reports for December 2007 forward and for an order directing an audit of the Defendant's payroll books and records for the time period June 1, 2005 through June 30, 2007. The Court also entered an order that judgment would be entered after Plaintiffs received the required monthly fringe benefit contribution reports and upon completion of the audit.

2. Plaintiffs' auditors issued a report on or about August 21, 2008 based on the documents made available by Defendant. The audit findings show that the Defendant is delinquent in contributions to the Funds in the amount of \$47,409.81. (See Affidavit of Deborah L. French)

3. Additionally, the amount of \$18,579.26 is due for liquidated damages. (French Aff. Par. 7).

4. Defendant has submitted monthly contribution reports for the months of December 2007, January 2008 and March 2008 through August 2008, but failed to submit the contributions in the amount of \$50,443.97, and liquidated damages in the amount of \$5,044.40, which it acknowledged therein to be due. (French Aff. Par. 8).

5. Defendant subsequently submitted partial payments totaling \$50,443.94. (French Aff. Par. 9).

6. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of one and one-half (1.5%) percent of the total contributions untimely received, compounded monthly at one and one-half (1.5%) percent, for the period accrued through August 31, 2008, in the total amount of \$5,995.24. (French Aff. Par. 10).

7. Defendant is also entitled to a credit of \$1,077.40 toward amounts due and owing. (French Aff. Par. 11).

8. Plaintiffs' auditing firm of Bansley & Kiener, L.L.P. charged Plaintiffs \$2,020.33 to perform the audit examination and complete the report (French Aff. Par. 6).

9. In addition, Plaintiffs' firm has expended the total amount of \$505.00 for costs and \$3,982.50 for attorneys' fees 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 \$82,459.17.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$82,459.17.

/s/ Patrick N. Ryan

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 28th day of October 2008:

Mr. Edward MacDonald
MacDonald Construction Services, Inc.
308 Oakleaf Road
Lake in the Hills, IL 60156

/s/ Patrick N. Ryan

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