

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

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, Administrator of the Funds,)

and)

MIKE SHALES, JOHN BRYAN, SR. AL)
OROSZ, DAN BREJEC, TOBY KOTH, and)
VERN BAUMANN, not individually but as)
Trustees of THE FOX VALLEY LABORERS')
HEALTH AND WELFARE FUND,)

and)

MIKE SHALES, JOHN BRYAN SR., AL)
OROSZ, TOBY KOTH, GORDON ANDERSON))
and DAN BREJEC, not individually but as)
Trustees of THE FOX VALLEY LABORERS')
PENSION FUND,)

Judge Kennelly

Plaintiffs,)

Case No.: 08-C-2103

v.)

BREWER CONCRETE CONSTRUCTION,)
INC. an Illinois corporation, and SCOTT)
DAVID BREWER, individually,)

Defendants.)

ORDER

This matter having come to be heard on the Motion of 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,

Administrator of the Funds (“Funds”) for Entry of Default Judgment in Sum Certain, due notice having been given, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. That default judgment in sum certain is entered in favor of the Plaintiffs and against Defendant Brewer Concrete Construction, Inc. on Count V of the Plaintiffs’ Complaint in the amount of \$39,487.65 as follows:

A. For \$26,057.56 representing amounts due on the defaulted Installment Note and liquidated damages and interest;

B. For \$13,430.09 representing attorneys’ fees and costs.

2. Judgment is entered pursuant to Fed. R. Civ. P. 54(b) as there is no just cause for delay in the entry of judgment in favor of the Funds and against Defendant Brewer Concrete Construction, Inc. on Count V of Plaintiffs’ Complaint.

3. Defendant Brewer Concrete Construction, Inc. is hereby ordered to submit its books and records to an audit for the period of November 1, 2005 forward, submit current benefit reports and contributions from the period of March 2008 forward and to obtain and maintain a surety bond in accordance with the collective bargaining agreement and the Funds’ respective Agreements and Declarations of Trust.

4. This Court retains jurisdiction to enter further judgment in sum certain in favor of Plaintiffs and against Defendant Brewer Concrete Construction, Inc. on Counts I through IV and against Defendant Scott David Brewer on all counts of the Complaint.

ENTER:

The Honorable Judge Matthew F. Kennelly
United States District Court Judge

Dated: _____