

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

IRON WORKERS' MID-AMERICA)	
PENSION PLAN, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 3102
)	
TRACHS CONTRACTING, LLC,)	JUDGE RONALD A. GUZMAN
a Colorado limited liability company,)	
)	
Defendant.)	

JUDGMENT ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant, TRACHS CONTRACTING, LLC, a Colorado limited liability company, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant having been taken, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendant is bound by the terms of the collective bargaining agreement or agreements referred to in the Complaint of Plaintiffs.
3. The Defendant is obligated to make contributions to each of the Plaintiff Funds in accordance with collective bargaining agreement.
4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Defendant has submitted its monthly contribution report to the Plaintiffs indicating all employees of the Defendant covered by the collective bargaining agreement referred to in the Complaint and the number of hours worked or paid for pursuant to the terms of the collective bargaining agreement referred to herein, for the month of January 2008.

6. Said monthly contribution reports establish that there is due and owing, for the period in question, to Plaintiffs the contributions set forth below:

	<u>Contributions</u>
Mid-America Pension	\$2,097.50
Mid-America Supplemental Monthly Annuity (SMA)	\$3,199.65
Tri-State Welfare	\$3,414.73

7. Pursuant to the Trust Agreements a liquidated damages surcharge has been assessed against the Defendant in the amount of 1.5% percent per month, since February 2008, in the amounts set forth below:

	<u>Liquidated Damages</u>
Mid-America Pension	\$220.22
Mid-America Supplemental Monthly Annuity (SMA)	\$336.00
Tri-State Welfare	\$358.54

8. Plaintiffs are entitled to make an audit of the payroll books and records of Defendant to verify the accuracy of the monthly reports referred to herein and covered by the reports submitted to Plaintiffs, and to determine what additional amounts are due and owing to Plaintiffs.

9. Defendant has failed to timely make all contributions required to be made to the Plaintiff Funds, as provided in the Agreements and Declarations of Trust governing the respective Funds, Plaintiffs are entitled to recover:

- (a) the cost of the audit of the payroll books and records of Defendant;
- (b) a sum equal to twenty (20%) percent of the amount determined to be due;
- (c) costs and expenses of the Trustees, including their reasonable attorneys' fees.

10. Plaintiffs have incurred court costs totaling \$350.00 and reasonable attorneys' fees totaling \$1,462.50.

11. There is no just cause for delay in the entry of a Judgment Order as to the sum of \$11,439.14 owed to the Plaintiffs from Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That Plaintiffs recover from the Defendant, TRACHS CONTRACTING, LLC, a Colorado limited liability company, the sum of \$8,711.88 for contributions and the additional sum of \$914.76 for liquidated damages, or a total sum of \$9,626.64.

B. That Plaintiffs recover from the Defendant, TRACHS CONTRACTING, LLC, a Colorado limited liability company, the sum of \$350.00 for their court costs and \$1,462.50 as and for Plaintiffs' just and reasonable attorneys' fees.

C. That Plaintiffs recover from the Defendant, TRACHS CONTRACTING, LLC, a Colorado limited liability company, the total sum of **\$11,439.14**.

D. Plaintiffs are awarded execution for the collection of the judgments and costs granted hereunder.

E. The Court hereby retains jurisdiction of this cause and all of the parties hereto for the purpose of enforcing this Order.

ENTER:

UNITED STATES DISTRICT JUDGE

DATED: _____

Patrick N. Ryan
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed the foregoing document (Judgment Order) 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 22nd day of September 2008:

Mr. Morris G. Dyner
Fischel & Kahn, Ltd.
190 S. LaSalle Street, Suite 2850
Chicago, IL 60603-3412

/s/ Patrick N. Ryan _____

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