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

| FOX VALLEY CONSTRUCTION       | ) |                      |
|-------------------------------|---|----------------------|
| WORKERS FRINGE BENEFIT FUNDS, | ) |                      |
| et al.,                       | ) |                      |
|                               | ) | CIVIL ACTION         |
| Plaintiffs,                   | ) |                      |
|                               | ) | NO. 08 C 3222        |
| VS.                           | ) |                      |
|                               | ) | JUDGE JOAN H. LEFKOW |
| NATIONAL CEMENT, INC.,        | ) |                      |
| an Illinois corporation,      | ) |                      |
|                               | ) |                      |
| Defendant.                    | ) |                      |

## MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on July 24, 2008 request this Court enter judgment against Defendant, NATIONAL CEMENT, INC., an Illinois corporation. In support of that Motion, Plaintiffs state:

- 1. On July 24, 2008, this Court entered default against Defendant and granted Plaintiffs' request for an order directing an audit of the Defendant's payroll books and records. The Court also entered an order that judgment would be entered after the completion of the audit.
- 2. Plaintiffs' auditors completed the audits on or about May 18, 2009. The audit findings show that the Defendant is delinquent in contributions to the Funds in the amount of \$15,401.58. (See Affidavit of Deborah L. French).
- 3. The amount of \$1,540.16 is due for liquidated damages for the audit period. (French Aff. Par. 6). The audit findings are attached hereto.
- 4. In addition, a statement of account liquidated damages surcharge has been assessed against the Defendant in the amount of one (1%) percent of the total contributions untimely

received, compounded monthly at one (1%) percent, for the period accrued through June 30, 2009, in the total amount of \$34.03. (French Aff. Par. 7).

- 5. In addition, Plaintiffs' firm has expended \$950.21 for costs and \$4,533.75 for attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).
- 6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$22,459.73.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$22,459.73.

## /s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer Attorney for Plaintiffs BAUM SIGMAN AUERBACH & NEUMAN, LTD. 200 West Adams Street, Suite 2200 Chicago, IL 60606-5231

Bar No.: 6237001

Telephone: (312) 236-4316 Facsimile: (312) 236-0241

E-Mail: jdunitz.geiringer@baumsigman.com

I:\Fvcwj\National Cement\motion-judgment.jdg.df.wpd

## **CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she 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 4th day of September 2009:

Ms. Anna Maria Rubino, Registered Agent/President National Cement, Inc. 5054 N. Olympia Chicago, IL 60656

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer Attorney for Plaintiffs BAUM SIGMAN AUERBACH & NEUMAN, LTD. 200 West Adams Street, Suite 2200 Chicago, H. 60606, 5221

Chicago, IL 60606-5231

Bar No.: 6237001 Telephone: (312) 236-4316 Facsimile: (312) 236-0241

E-Mail: jdunitz.geiringer@baumsigman.com

 $I:\ \ Fvcwj\ \ \ National\ Cement\ \ motion-judgment.jdg.df.wpd$