

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

TERRENCE J. HANCOCK, WILLIAM LOGAN, JOHN LISNER, DALE BOLT, BRAD WEBB, JOHN BUIK, MICHAEL I. RICHARDSON, and EDWARD DENORMANDIE as Trustees of LOCAL No. 731, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, GARAGE ATTENDANTS, LINEN AND LAUNDRY HEALTH AND WELFARE FUND, and TERRENCE J. HANCOCK, WILLIAM LOGAN, JOHN LISNER, STEVE VOGRIN, THOMAS YONKER, and MICHAEL I. RICHARDSON as Trustees of LOCAL No. 731, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, PRIVATE SCAVENGERS AND GARAGE ATTENDANTS PENSION FUND, Plaintiffs, v. MONTELL CHEVROLET, INC., Defendant.

MOTION FOR ENTRY OF AN AGREED JUDGMENT ORDER

Plaintiffs Terrence J. Hancock, William Logan, John Lisner, Dale Bolt, Brad Webb, John Buik, Michael I. Richardson, and Edward DeNormandie as Trustees of Local No. 731, International Brotherhood of Teamsters, Private Scavengers Health and Welfare Fund ("Welfare Fund") and Terrence J. Hancock, William Logan, John Lisner, Steve Vogrin, Thomas Yonker, and Michael I. Richardson as Trustees of Local No. 731, International Brotherhood of Teamsters, Private Scavengers and Garage Attendants Pension Fund ("Pension Fund") (collectively, "the Funds"), through their attorneys Dowd, Bloch & Bennett, and Defendant

Montell Chevrolet, Inc., through its attorneys James J. Roche & Associates respectfully move the Court for entry of an Agreed Judgment Order, in the form of the attached proposed order, against Defendant Montell Chevrolet, Inc. In support of the motion, Plaintiffs and Defendant state:

1. This action was filed on June 4, 2008 to compel Defendant to submit delinquent reports, contributions, and other sums due to employee fringe benefit funds under Section 515 of ERISA, 29 U.S.C. § 1145.

2. Defendant was served with the summons and complaint on June 18, 2008, and Defendant filed its answer on August 6, 2008.

3. In order to prevent further litigation of this matter and to avoid accrual of additional attorneys' fees and costs, Plaintiffs and Defendant reached an agreement whereby Judgment would be entered against Defendant in the total amount of **\$25,356.25**, for:

	Health and Welfare	Pension
Contributions (3/08-8/08)	\$16,848.70	\$2,854.00
Liquidated Damages (3/08-8/08) (20%)	\$ 3,369.74	\$ 570.80
Liquidated Damages (12/07-1/08) (20%)	\$ 1,165.32	\$ 194.40
Interest (12/07-1/08, 3/08-7/08)	\$ 528.66	\$ 88.19
Attorneys' Fees	<u>\$ 2,518.35</u>	<u>\$2,518.35</u>
Total	<u>\$24,430.77</u>	<u>\$6,225.74</u>
Less Suspended Amount	<u>(\$ 4,535.06)</u>	<u>(\$ 765.20)</u>
Balance Due	<u>\$19,895.71</u>	<u>\$5,460.54</u>

4. Plaintiffs and Defendant also agree that the judgment amount is based solely on the employees and hours reported to the Funds by Defendant for the delinquent period December 2007 through August 2008, and that the Funds may audit any unaudited period and collect any additional amounts that are determined to be due based on employees and hours Defendant did not reports to the Funds.

5. Plaintiffs and Defendant further agree that if Defendant becomes delinquent in its

remittance of monthly reports and contributions to Plaintiffs prior to the work month October 2009, the suspended amounts listed in ¶ 3 of this Motion will be reinstated, and Plaintiffs may pursue collection of those suspended amounts.

6. Plaintiffs and Defendant have discussed the terms of the Agreed Judgment Order and have had an opportunity to review the proposed Agreed Judgment Order and agree to the entry of the Agreed Judgment Order.

WHEREFORE, for the reasons stated above, Plaintiffs and Defendant respectfully move the Court to enter an Agreed Judgment Order against Defendant Montell Chevrolet, Inc., in the form attached, in the amount of \$25,356.25.

Respectfully Submitted,

s/Steven W. Jados
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One of Plaintiffs' Attorneys

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