

MHW

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

MASONRY INSTITUTE, BRICKLAYERS)
LOCAL 21 PENSION FUND, DISTRICT)
COUNCIL TRAINING CENTER FUND,)
AND BRICKLAYERS AND STONE)
MASONS OF ILLINOIS DISTRICT COUN-)
CIL NO. 1 B.A.C. ANNUITY TRUST FUND,)

Plaintiffs,)

v.)

RICK CLARK, INDIVIDUALLY AND)
d/b/a R & W CLARK CONSTRUCTION,)
INC.,)

Defendant.)

Case No. 08C 3916

Judge Norgle

Mag. Judge Valdez

AGREED ORDER OF DISMISSAL

The parties hereby agree that this case has been settled and all issues and controversies have been resolved to their mutual satisfaction. The parties request the Court to retain jurisdiction to enforce the terms of their Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375, 381-82 (1994):

IT IS HEREBY ORDERED:

- 1) The parties shall comply with the terms of their Settlement Agreement entered into on November 21, 2008.
- 2) By consent of the parties, the Court hereby specifically retains jurisdiction for the purpose of enforcing the terms and provisions of the parties' Settlement Agreement.

EXHIBIT "A"

3) Except as provided for in Paragraphs 1 and 2 above, this case is dismissed, without prejudice, and each party shall bear its own attorneys' fees and costs. Provided the Defendant has fully complied with the terms and provisions of the parties' Settlement Agreement, unless otherwise ordered by the Court, the dismissal without prejudice entered herein, shall become with prejudice, after January 15, 2010.

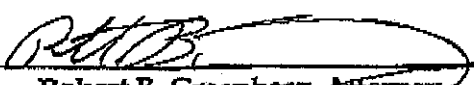
DATED: 11-26-08

ENTER:



JUDGE NORGLE

Agreed:

Plaintiff

By: 
Robert B. Greenberg, Attorney
for Masonry Institute, et al.

Defendant

By: 
Todd Miller Attorney for
Rick Clark, individually and d/b/a
R & W Clark Construction, Inc.

Robert B. Greenberg
ASHER, GITTLER, GREENFIELD & D'ALBA, LTD.
200 West Jackson Boulevard, Suite 1900
Chicago, Illinois 60606
(312) 263-1500
IL ARDC#: 01047558