

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

TRUSTEES OF THE SUBURBAN TEAMSTERS )
OF NORTHERN ILLINOIS PENSION FUND )
AND WELFARE FUNDS, )
Plaintiff, )
v. ) No. 08 C 4955
BIG O TRUCKS, INCORPORATED ) Judge Guzman
an Illinois corporation ) Magistrate Judge Cole
Defendant. )

MOTION FOR JUDGMENT IN SUM CERTAIN

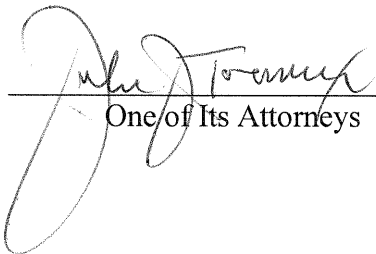
NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move for entry of a default judgment in sum certain as stated in this Complaint and the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

- 1. Suit was filed on August 29, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Corporate service upon the Defendant, BIG O TRUCKS INCORPORATED, an Illinois corporation, through the Illinois Secretary of State, on September 26 2008 and a copy of the proof of service was filed with the court on October 1, 2008.
3. Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$6,361.94 Welfare
\$4,876.06 Pension
\$925.00 Attorneys fees
\$425.00 Court costs
\$12,588.00

WHEREFORE, Plaintiff prays for the entry of judgment against Defendant, BIG O TRUCKS, INCORPORATED, an Illinois corporation, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$12,588.00.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By:  1/24/08  
\_\_\_\_\_  
One of Its Attorneys

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

**Service of Process:**

1:08-cv-04955 Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds v. Big O Trucks, Incorporated

COLE

**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 3.2.2**

**Notice of Electronic Filing**

The following transaction was entered by Toomey, John on 10/1/2008 at 11:27 AM CDT and filed on 10/1/2008

**Case Name:** Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds v. Big O Trucks, Incorporated

**Case Number:** 1:08-cv-4955

**Filer:** Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds

**Document Number:** 7

**Docket Text:**

**AFFIDAVIT of Service filed by Plaintiff Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds regarding Alias Summons and Complaint served on Illinois Secretary of State on September 26, 2008 (Toomey, John)**

**1:08-cv-4955 Notice has been electronically mailed to:**

John Joseph Toomey jtoomey100@hotmail.com

**1:08-cv-4955 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1040059490 [Date=10/1/2008] [FileNumber=5286423-0] [105d04133a241c905b60f88476b66778085b20f56444c2dec25a3db15782746c7357bc8eab2475d306d8b31501664ffac12afa9f85c096efc6febb48d48623a0]]

Form **BCA-5.25**

(Rev. Jan. 2003)

**AFFIDAVIT OF COMPLIANCE  
FOR SERVICE ON  
SECRETARY OF STATE**

File # 61298517

Jesse White  
Secretary of State  
Department of Business Services  
Springfield, IL 62756  
Telephone (217) 524-6748  
www.cyberdriveillinois.com

Remit payment in check or money order, payable to "Secretary of State."

**FILED**

**SEP 29 2008**

**JESSE WHITE  
SECRETARY OF STATE**

**SUBMIT IN DUPLICATE**

This space for use by  
Secretary of State

Date 9-29-08

Filing Fee \$10.00

Approved: LJB

1. Title of the case and number of the case:

Trustees of the Suburban Teamsters of  
Northern Illinois Welfare and Pension Funds first named plaintiff  
v.

Big O Trucks Incorporated, an first named defendant  
Illinois corporation

Number 08 C 4955

- 2. Name of the corporation being served: Big O Trucks, Incorporated, an Illinois corporation
- 3. Title of the court in which an action, suit or proceeding has been commenced: United States District Court for the Northern District of Illinois
- 4. Title of the instrument being served: Alias Summons and Complaint at Law
- 5. Basis for service on the Secretary of State (Check and complete appropriate box):

- a.  The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
- b.  The corporation has failed to appoint and maintain a registered agent in Illinois.
- c.  The corporation was dissolved on \_\_\_\_\_, \_\_\_\_\_; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within 5 years thereafter.
- d.  The corporation's certificate of authority to transact business in Illinois has been (withdrawn)/ (revoked) on \_\_\_\_\_, \_\_\_\_\_.
- e.  The corporation is a foreign corporation that has transacted business in Illinois without procuring a certificate of authority, contrary to the provisions of the Business Corporation Act of 1983.

6. Address to which the undersigned has caused a copy of the attached process, notice or demand to be sent, by certified or registered mail: 8095 E. Blanchard Circle, Morris, Illinois 60450

7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

John J. Toomey

Signature of Affiant

September 24, 2008

Month & Day

Year

( 312 ) 236-0415

Telephone Number

**TENDERED CHICAGO  
CORP. DEPARTMENT**

**SEP 26 2008**

RETURN TO: PLEASE TYPE OR PRINT CLEARLY

John J. Toomey  
Arnold and Kadjan

Name

19 W. Jackson Boulevard, Suite 300

Street

Chicago, Illinois 60604

City/Town

State

ZIP

ACCEPTANCE AND "FILED" DATE  
ESTABLISHED ONLY AFTER  
REVIEW BY SPRINGFIELD OFFICE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
**ALIAS SUMMONS IN A CIVIL CASE**

TRUSTEES OF THE SUBURBAN  
TEAMSTERS OF NORTHERN ILLINOIS  
WELFARE AND PENSION FUNDS, )  
 ) Docket Number: 08 C 4955  
 )  
 ) Judge Guzman  
 )  
 )  
 ) v. ) Magistrate Judge Cole  
 )  
 )  
 BIG O TRUCKS, INCORPORATED., an )  
 Illinois corporation )  
 )  
 )

TO: (Name and address of defendant)

BIG O TRUCKS, INCORPORATED  
an Illinois corporation  
c/o Secretary of State  
69 W. Washington Street  
Suite 1240  
Chicago, Illinois

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard, Suite 300  
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
Michael W. Dobbins, Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
(by) Deputy Clerk