

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

JAMES M. SWEENEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 5092
)	
STAHU EQUIPMENT, INC.,)	JUDGE CHARLES R. NORGLER, SR.
an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on December 19, 2008, request this Court enter judgment against Defendant, STAHU EQUIPMENT, INC., an Illinois corporation. In support of that Motion, Plaintiffs state:

1. On December 19, 2008, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for August 2008 and September 2008. The Court retained jurisdiction to enforce the Order and to enter judgment against Defendant after the required reports were submitted to Plaintiffs and Plaintiffs determined the amounts due and owing from Defendant. (A copy of the Order entered December 19, 2008 is attached hereto as Exhibit A).

2. On January 7, 2009, Defendant submitted its monthly fringe benefit contribution reports for August 2008 and September 2008. On February 20, 2009, Defendant submitted its monthly fringe benefit contribution reports for October 2008 through January 2009 indicating no

amounts due. (Copies of the contribution reports for August 2008 through January 2009 are attached hereto as Exhibit B).

3. Based on contribution reports submitted by Defendant for September 2008, Defendant is delinquent in contributions to the Funds in the following amounts:

	<u>Contributions</u>
Welfare Fund	\$2,478.83
Pension Fund	\$1,568.73
Retirement Enhancement Fund	\$ 119.75
Apprenticeship Fund	\$ 239.50
Vacation Fund	\$ 455.05

(See Affidavit of David S. Bodley).

4. Additionally, the following amounts are due for liquidated damages for June 2008 and September 2008:

	<u>Liquidated Damages</u>
Welfare Fund	\$538.72
Pension Fund	\$339.69
Retirement Enhancement Fund	\$ 26.03
Apprenticeship Fund	\$ 52.05
Vacation Fund	\$ 98.30

(Bodley Aff. Par. 8).

5. Defendant has made available to the Plaintiffs its payroll books and records for the purpose of taking an account as to all employees of the Defendant performing work covered by the collective bargaining agreement to determine amounts due to Plaintiffs. Plaintiffs, by the accounting firm of Graff, Ballauer, Blanski & Friedman, P.C., caused an audit to be made to cover the period January 1, 2007 through December 31, 2007.

6. Upon such audit, it is determined that Defendant owes Plaintiffs the amounts set forth below:

	<u>Contributions</u>	<u>Liquidated Damages</u>
Welfare Fund	\$960.05	\$96.01
Pension Fund	\$638.28	\$63.83
Apprenticeship Fund	\$ 73.85	\$ 7.39
Vacation Fund	\$200.45	\$20.05

7. Plaintiffs have expended the sum of \$1,941.70 for the purpose of making an audit of the payroll books and records of the Defendant.

8. Defendant has received a credit of \$4,750.20 toward amounts due and owing.

9. Plaintiffs have incurred a fee of \$175.00 as a result of Defendant's submission of fringe benefit contributions by way of checks which were subsequently dishonored by its bank for non-sufficient funds.

10. In addition, Plaintiffs' firm has expended the amount of \$520.00 for costs and \$1,560.00 for attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

11. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$7,423.06.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$7,423.06.

/s/ Beverly P. Alfon _____

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Notice of Motion) 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 participants on or before the hour of 5:00 p.m. this 13th day of March 2009:

Mr. Christopher Rebacz, Registered Agent
Stahu Equipment, Inc.
6400 River Road
Hodgkins, IL 60525

Mr. Christopher Rebacz, Registered Agent
Stahu Equipment, Inc.
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/s/ Beverly P. Alfon

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