

65100-1124LIT-4750

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

JAMES T. SULLIVAN, etc., et al.,)	
)	
Plaintiffs,)	No. 08 C 5907
)	
v.)	Judge David H. Coar
)	
THOMAS BUELL d/b/a)	Magistrate Judge Morton Denlow
CROSS PLUMBING COMPANY,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

NOW COME Plaintiffs, JAMES T. SULLIVAN, etc., et al., by their attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and BRIAN T. BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to Fed. R. Civ. P. 55, move the Court to enter Judgment in favor of Plaintiffs and against Defendant, THOMAS BUELL d/b/a CROSS PLUMBING COMPANY, in the amount of \$19,593.03. In support hereof, Plaintiffs state:

1. Plaintiffs filed this action on October 15, 2008, seeking a judgment against Defendant confirming and enforcing an arbitration award under ERISA, 29 U.S.C. §§ 1132 and 1145, and LMRA, 29 U.S.C. § 185.
2. On October 31, 2008, Defendant was served with process. A true and correct copy of the Return of Service is attached hereto as Exhibit A.
3. Defendant was required to appear and answer on or before November 20, 2008.
4. Defendant has not filed an appearance or answer, and is in default.
5. An arbitration award was entered on May 20, 2008, against Defendant in the computed amount of \$12,658.12. A true and correct copy of Award is attached hereto as Exhibit B.

6. Pursuant to Award and 29 U.S.C. §1132, Plaintiffs' damages are calculated as follows:
- | | |
|---------------|--|
| \$12,658.12 - | Award; |
| \$944.09 - | Additional interest at \$134.87/month for period 6/16/08 through date of presentment of this motion, pursuant to Award and 29 U.S.C. §1132(g)(2)(B); |
| \$3,891.66 - | Double interest consisting of \$2,947.57 stated in Award plus \$944.09 stated above, pursuant to 29 U.S.C. §1132(g)(2)(C); |
| \$1,929.16 - | Plaintiffs' attorneys' fees and costs through date of preparation of this motion, pursuant to Award and 29 U.S.C. §1132(g)(2)(D) (See Affidavit of Douglas A. Lindsay attached hereto as Exhibit C); |
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- \$19,423.03

7. Plaintiff's attorney, Brian T. Bedinghaus, will render an additional 1 hour of legal services, at a rate of \$170.00 per hour, for presentation of this motion.

8. Plaintiffs request the Court to enter a Judgment Order in the form attached hereto as Exhibit D, a copy of which was submitted to the Court by email in accordance with the Court's procedures.

WHEREFORE, Plaintiffs, JAMES T. SULLIVAN, etc., et al., request the Court to enter Judgment in favor of Plaintiffs and against Defendant, THOMAS BUELL d/b/a CROSS PLUMBING COMPANY, in the amount of \$19,593.03.

JAMES T. SULLIVAN, etc., et al., by their attorneys,
DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and
BRIAN T. BEDINGHAUS

By: s/ Brian T. Bedinghaus
Brian T. Bedinghaus
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OF COUNSEL:
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65100/1124BTB139876

PROOF OF SERVICE

I served a copy of the foregoing MOTION FOR ENTRY OF JUDGMENT upon:

Thomas Buell
132 Maple Lane
New Lenox, IL 60451

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Suite 3200, Chicago, Illinois on December 3, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 3, 2008


CHRISTINE USYAK

OF COUNSEL:
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