

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

**JOYCE BROS. STORAGE & VAN CO.,)
an Illinois Corporation,)**

Plaintiff,)

v.)

**MCNALLY INTERNATIONAL CORP., a)
New York Corporation,)**

Defendant.)

Case No.: 08 CV 6116

Magistrate Judge Michael T. Mason

**AGREED MOTION FOR ENTRY OF JUDGMENT AGAINST MCNALLY
INTERNATIONAL**

NOW COMES Plaintiff JOYCE BROS. STORAGE & VAN CO. (“Joyce Bros.”) and Defendant McNALLY INTERNATIONAL CORP. (“McNally”), pursuant to Rule 58(d) of the Federal Rules of Civil Procedure, for entry of a consent judgment against McNally and in favor of Joyce Bros. On all claims pending in this case. In further support thereof, Joyce Bros. and McNally state as follows:

1. Joyce Bros. filed a breach of contract claim against McNally on October 24, 2008 seeking recovery of payment for services rendered by Joyce Bros. for McNally. Specifically, Joyce Bros. seeks \$214,466.47 for unpaid invoices for moving, installation, and related services that Joyce Bros. performed for McNally at the Trump International Hotel & Tower located at 401 North Wabash Avenue, Chicago, Illinois. A copy of the Complaint is attached hereto as **Exhibit 1.**

2. McNally filed an answer on March 19, 2009 in which McNally disputes the amounts due and owing to Joyce Bros. McNally also filed an Affirmative Defense seeking a

stay of the case due to a pending arbitration between McNally and Trump Hotel. A copy of the Answer and Affirmative Defense is attached as **Exhibit 2**.

3. On or about July 10, 2009, the arbitrator ruled in favor of Trump Hotel and against McNally.

4. As a result of that ruling, McNally agreed to entry of a consent judgment in favor of Joyce Bros. and against McNally for the full claim of Joyce Bros., plus costs, as allowed by Rule 54(d)(1) of the Federal Rules of Civil Procedure. The Affidavit of Attorney Carina Segalini testifying as to the costs incurred is attached hereto as **Exhibit 3**. A copy of the proposed Agreed Consent Judgment is being sent to chambers per the Court's standing order and has been circulated and reviewed by counsel for McNally.

WHEREFORE, Plaintiff Joyce Bros. Storage & Van Co. and Defendant McNally International Corp., respectfully request that this Court enter a consent judgment against McNally International Corp. in the amount of \$214,921.67, and for such other and further relief as this Court deems just.

Date: August 3, 2009

Respectfully submitted,

POLSINELLI SHUGHART PC

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Agreed Motion for Entry of Judgment Against Defendant McNally International Corp. was filed through the CM/ECF system this 3rd day of August, 2009, and served on the following counsel of record through the CM/ECF system:

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_____/s/ Carina M. Segalini