

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

**LABORERS’ PENSION FUND and)
LABORERS’ WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS’ DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)**

Plaintiffs,

v.

Case No. 08 C 6179

**MILLENNIUM CONCRETE)
CONSTRUCTION LLC, EVANS)
CONSTRUCTION/CONSULTING, LLC,)
EVANS CONSTRUCTION SERVICES (1555)
SOUTH WABASH PROJECT), LLC, EVANS)
CONSTRUCTION SERVICES (10 EAST)
DELAWARE PROJECT),LLC, et al.,)**

Judge Shadur

Magistrate Judge Mason

Defendants.

**PLAINTIFFS’ MOTION FOR DAMAGES AGAINST DEFENDANT
MILLENNIUM CONCRETE CONSTRUCTION LLC**

Plaintiffs, Laborers’ Pension Fund and Laborers’ Welfare Fund of the Health and Welfare Department of the Construction and General Laborers’ District Council of Chicago and Vicinity (collectively the “Funds”), and James S. Jorgensen, by their attorneys, bring this motion for a judgment certain against defendant Millennium Concrete Construction LLC, only, and state the following:

1. On December 16, 2008, this Court entered default judgment against Millennium Concrete Construction, LLC, finding that the Company failed to answer or otherwise plead to the

complaint.

2. As provided by the Funds' Field Representative, Joseph Gilleran, and as shown by an audit report covering the period from October 1, 2007 through October 26, 2008, which has been adjusted by Mr. Gilleran, principal contributions are owed to the Welfare, Pension, Training, LECET, CCA/IAF, LMCC Funds and to the Union for dues in the amount of \$472,848.95. Mr. Gilleran's affidavit is attached hereto as Exhibit 1.

3. Liquidated damages and interest are due as established by Mr. Gilleran's affidavit, paragraphs 4 and 5. Liquidated damages are owed in the amount of \$73,891.01, with respect to the Funds' contributions set forth in the Richard J. Wolf and Company, Inc., audit report. Accumulated penalties for contributions received untimely for months prior to August 1, 2008 are \$118,076.30. (See Gilleran Affidavit ¶5).

4. Interest is also owed at the rate of twelve percent on delinquent amounts owed from the date of the delinquency through July 20, 2011. In this matter, interest has been calculated by Mr. Gilleran in the amount of \$205,772.90. (Affidavit of Joseph Gilleran ¶5).

5. This Company owes audit fees in the amount of \$3,060.00. (Affidavit of Gilleran ¶6).

6. The total amount owed to the Funds is \$805,241.87, after subtracting \$68,407.29, which the Funds received but did not credit to the principal amounts due prior to the auditors' findings.

Wherefore, plaintiffs drafted a proposed judgment order for a total judgment against in the amount of \$ 805,241.87, which includes principal contributions, liquidated damages, audit costs and interest. Plaintiffs reserve the right to bring a petition for attorneys' fees at a future date.

Respectfully submitted,

/s/Karen I. Engelhardt
One of plaintiffs' attorneys

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