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

MASON DIXON INTERMODAL, INC	J., )	
Plaintiff,	)	Case No. 08 CV 6271
v.	)	Judge Shadur
RNR TRANSPORTATION INC., SCOTT RINGEL, & KIMBERLY ROI	) ) EBKE)	Magistrate Judge Denlow
Defendants.	)	

## MOTION FOR ENTRY OF CONDITIONAL JUDGMENT AGAINST NATIONWIDE TRANSPORT SERVICES, INC.

Now Comes the Plaintiff, Mason Dixon Intermodal, Inc., ("MDII"), by and through its attorneys, Sullivan Hincks & Conway, and hereby moves this Honorable Court for a Conditional Judgment against Nationwide Transport Services, Inc. ("Nationwide"). In support of its motion, MDII states as follows:

- 1. On January 28, 2009, Judgment was entered in favor of MDII and against Defendants RNR Transportation, Inc., Scott Ringel and Kimberly Roebke, jointly and severally in the sum of \$803,134.48.
- 2. Upon the belief that Nationwide is indebted to RNR Transportation, Inc. for payments other than for wages, MDII obtained the issuance of a Garnishment Summons upon Nationwide returnable on or before March 12, 2009. See attached Garnishment Summons (non-wage) and Affidavit for Garnishment attached as Exhibit "1".
- 3. At all times relevant, Nationwide has maintained a registered agent for the service of process in the State of Illinois. See Motor Carrier Details Report from the

Federal Motor Carrier Safety Administration website safersys.org, attached hereto as Exhibit "2".

4. On February 26, 2009, MDII caused the Garnishment Summons and Affidavit for Garnishment to be served on Nationwide's registered agent in the State of Illinois, Edward D. McNamara. See Affidavit of Service from the Sangamon County,

Illinois Sheriff's Office attached as Exhibit "3".

5. Pursuant to FRCP 69(a), MDII is to use state procedures to enforce judgments. As set forth in 735 ILCS § 5/12/706(a), "When any person summoned as garnishee fails to appear and answer...the court may enter a conditional judgment against garnishee for the amount due upon the judgment against the judgment debtor."

6. Nationwide failed to appear and answer MDII's garnishment summons and is thus subject to a conditional judgment as provided under Illinois law.

WHEREFORE, Mason Dixon Intermodal, Inc., respectfully requests this Honorable Court enter a conditional judgment against Nationwide Transport Services, Inc. in the amount of \$803,134.48, or grant such other and further relief as this Court deems just and reasonable.

Respectfully submitted,

Mason Dixon Intermodal, Inc.

By: <u>/s/ Matthew P. Barrette</u> .
One of Its Attorneys

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