

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

SECURITAS SECURITY SERVICES USA, INC., a)	
Delaware corporation registered as a foreign)	
corporation in Illinois)	
)	08-6755
Plaintiff,)	
)	Hon. Elaine Bucklo (District Court Judge)
)	
)	Hon. Mag. Judge Brown (Magistrate Judge)
)	
v.)	
)	
401 PROPERTIES LIMITED PARTNERSHIP, an)	
Illinois corporation)	
)	
Defendant.)	

SECURITAS SECURITY SERVICES USA, INC.’s MOTION FOR CONFESSION OF
JUDGMENT AGAINST 401 PROPERTIES LIMITED PARTNERSHIP

Plaintiff Securitas Security Services USA, Inc. (“Securitas USA”) submits its motion for confession of judgment against defendant 401 Properties Limited Partnership (“401”).

1. 401 is in default under the parties’ settlement agreement and has failed to timely cure the default. In the parties’ settlement agreement, 401 agreed and acknowledged in the event of an uncured default, Securitas was authorized to confess judgment against 401 for the amounts due under the settlement agreement plus reasonable attorney fees and costs.

2. The parties’ settlement agreement is attached as Exhibit 1. The agreement required 401 to pay Securitas \$76,784.48. The \$76,784.48 was to be paid over time, with an initial payment of \$6,896.08 to Securitas USA in January 2009 and nine additional payments of \$6,896.08 each due on the 20th day of each month. 401’s final \$6,896.08 payment was due on October 20, 2009. 401 failed to timely make this payment. 401 promised to cure this default but has failed to do so. On December 2, 2009, 401 issued a check to Securitas USA. That check was returned for insufficient

funds. Since then, 401's counsel has repeatedly acknowledged that 401 is in default and that the default has not been timely cured.

2. As of January 12, 2010, the date this motion was filed, 401 remains in default and the time for 401 to cure that default has expired.

2. Pursuant to paragraph 8 of the settlement agreement, 401 agrees and authorizes Securitas USA to confess judgment against 401 and in favor of Securitas USA for \$76,784.48, less any payments made by 401, plus Securitas USA's reasonable attorney fees and costs in collecting the amounts due it under the settlement agreement.

4. Through the filing of this motion¹, Securitas USA has incurred \$1,000 in attorney fees and costs in attempting to collect the amounts due it under the settlement agreement. Those fees include: (1) drafting this motion; (2) telephone and email communications with Securitas USA; (3) telephone, email and letter communications with 401's counsel, Elizabeth Sharpe; (4) reviewing the parties settlement agreement and written communications re: same. The \$1,000 in attorney fees is based on an hourly rate of \$200 per hour, an hourly rate that is reasonable and appropriate. The declaration of Barry Mac Entee, an attorney with personal knowledge of the facts in this motion is attached as Exhibit 2.

WHEREFORE, Securitas Security Services USA, Inc. respectfully request the Court grant this motion and enter a judgment in favor of Securitas Security Services USA, Inc. and against 401 Properties Limited Partnership in the amount of: (1) \$7,896.08, reflecting amounts due under the

¹ Securitas USA will also seek the attorney fees and expenses incurred after the date this motion is filed (i.e., those associated with presenting the motion; reviewing any response filed by 401; preparing any reply, etc.). Securitas USA will present these additional fees in open court or in a subsequent declaration, depending on the Court's preference.

settlement agreement and attorneys fees and expenses due; plus (2) any additional attorneys fees and expenses Securitas USA incurs in connection with this motion and in obtaining 401's compliance with its obligations under the settlement agreement.

Respectfully submitted:

**SECURITAS SECURITY SERVICES
USA, INC.**

By: /s/ Barry F. Mac Entee

One of its attorneys

On January 12, 2010, the undersigned counsel for plaintiff Securitas Security Services USA, Inc. caused to be filed with the Clerk of the U.S. District Court for the Northern District of Illinois **SECURITAS SECURITY SERVICES USA, INC.'s MOTION FOR CONFESSION OF JUDGMENT AGAINST 401 PROPERTIES LIMITED PARTNERSHIP, NOTICE OF MOTION & EXHIBITS ATTACHED THERETO**, true and correct copies of which are attached hereto and served on all ECF users. The above referenced materials were also sent to Elizabeth Sharpe and Andrew Jahelka at the fax numbers listed below.

/S/ BARRY F. MAC ENTEE

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