

**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 7135
)	
BLACKSHEEP CUSTOM CONCRETE, and)	
ROBERT MAUCH,)	Judge Andersen
Defendants.)	

**PLAINTIFFS' MOTION FOR
DAMAGES**

Plaintiffs', the 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 (the "Laborers' Funds"), request that the Court enter a finding of damages against Blacksheep Custom Concrete, and Robert Mauch. In support of this motion, plaintiffs state:

1. On December 12, 2008, plaintiffs filed the initial Complaint in this matter under the Employee Retirement Income Security Act of 1973 ("ERISA"), as amended, 29 U.S.C. §§1143 and 1132(g)(2) and under the Labor Management Relations Act ("LMRA"), as amended, 29 U.S.C. §185(a) seeking reporting information and payment for contributions owed to the Funds. Plaintiffs designated auditors from Richard J. Wolf and Company, Inc., performed an audit for the period from August 6, 2008 through December 31, 2008. An audit report is attached to the affidavit of Joseph Gilleran reflecting principal amounts owed to the Laborers' Funds. On March 2, 2009 this Court entered a default judgment after the defendant failed to answer or otherwise plead in response to the

Complaint.

2. As shown by the report from Richard J. Wolf and Company, Inc., and as established by the affidavit of Joseph Gilleran, the Funds' Field Representative, principal contributions are owed to the Welfare, Pension, Training, CCA, LECET, LDCLMCC and for Union dues in the amount of \$69,317.08, for the period from August 6, 2008 through December 31, 2008.

3. Liquidated damages and interest are due as established by paragraph 4 of Mr. Gilleran's affidavit. Liquidated damages are owed in the total amount of \$13,356.18. Interest is also owed at the rate of prime plus two percent as charged by Chase Bank on all delinquent amounts owed from the date of the delinquency on forward. In this matter interest is owed in the amount of \$3,163.74 through November 3, 2009.

4. Audit fees in the amount of \$1,190.00 were billed to the Funds from Richard J. Wolf and Company, Inc.

5. Reasonable attorneys' fees and costs are established by an affidavit of Karen I. Engelhardt, plaintiffs' counsel, in the amount of \$6,192.50 in attorney's fees, \$1,189.00 in costs consisting of service fees and filing fees. (Exhibit B.)

Wherefore, plaintiffs drafted a proposed judgment order for a total judgment against in the amount of \$ 94,408.50, and an order for a surety bond and an order requiring the Company to report and pay contributions for the period from January 1, 2009 through the present.

Respectfully submitted,

/s/Karen I. Engelhardt

One of plaintiffs' attorneys

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November 5, 2009

