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

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)
)
Plaintiffs,)
) No. 08 C 7315
V.)
) Judge Holderman
WILL COUNTY RECYCLING, INC.,)
an Illinois corporation) Magistrate Judge Brown
Defendant.)

MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS

OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its

attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move

for entry of a default judgment in sum certain as stated in this Complaint and the supporting

Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

- 1. Suit was filed on December 22, 2008 for collection of delinquent contributions plus attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
- 2. Service upon WILL COUNTY RECYCLING, INC., an Illinois corporation was made on the Defendant on January 29, 2009, and a copy of the proof of service was filed with the court on February 3, 2009.
- 3. Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$87.964.31 Welfare \$20,250.78 Pension \$925.00 Attorneys fees \$467.00 Court costs \$109,607.09 WHEREFORE, Plaintiff prays for:

- 1. Entry of judgment against Defendant, WILL COUNTY RECYCLING, INC., an Illinois corporation, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$109,607.09.
- 2. Order Defendant to produce its books and records to Plaintiffs' accountant within 21 days, to perform an audit for the period January, 2008 through the present time.
- 3. Grant Plaintiffs any other relief deemed equitable and just under the circumstances.

TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS

s/John J. Toomey ARNOLD AND KADJAN 19 W. Jackson Blvd., Suite 300 Chicago, IL 60604 Telephone No.: (312) 236-0415

Facsimile No.: (312) 341-0438 Dated: February 26, 2009