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Order Form (01/2005)
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2009

(A)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Matthew F. Kennelly	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 129	DATE	3/18/2009
CASE TITLE	Shales vs. Du-Cook Construction		

DOCKET ENTRY TEXT

Motion for entry of default as to defendant Du-Cook Construction Co., Inc., is granted. Enter Order. Defendant Du-Cook Construction is found in default. Defendant Donald J. Tessler is to answer to the complaint by 4/8/2009. Status hearing set for 4/13/2009 is vacated and reset to 5/9/2009 at 9:30 AM.

[For further detail see separate order(s).] Docketing to mail notices.

00:05

	Courtroom Deputy Initials:	OR
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10:05 AM 03/18/2009



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

MIKE SHALES, et al.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	NO. 09 C 0129
DU-COOK CONSTRUCTION CO., INC.,)	
an Illinois corporation, d/b/a DU-COOK)	JUDGE MATTHEW F. KENNELLY
MASONRY, INC., and DONALD J.)	
TESSLER, an individual,)	
)	
Defendants.)	

ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant^{MC}, DU-COOK CONSTRUCTION CO., INC., an Illinois corporation, d/b/a DU-COOK MASONRY, INC., and ^{MC} ~~DONALD J. TESSLER, an individual~~, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant^{MC} having been taken, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. Defendant, DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., is bound by the terms of the collective bargaining agreement referred to in the Complaint of Plaintiffs.

3. Defendant, DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., is obligated to make contributions to each of the Plaintiff Funds in accordance with collective bargaining agreement.

4. Defendant, DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Pursuant to such Agreements and Declarations of Trust, Defendant, Defendant, DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., is required to submit monthly contribution reports to the Plaintiffs that indicate all employees of the Defendant covered by the collective bargaining agreement referred to in the Complaint, and the number of hours worked or paid for pursuant to the terms of the collective bargaining agreement referred to herein.

6. Defendant DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., has failed to submit its monthly fringe benefit contribution reports for the months of September 2008 through February 2009.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That Defendant, DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., submit its monthly fringe benefit contribution reports for the months of September 2008 through February 2009, within fourteen (14) days of the entry of this Order, and that the Court enter judgment against Defendants, ^{mu} DU-COOK CONSTRUCTION CO., INC., d/b/a DU-COOK MASONRY, INC., ^{mu} and ~~DONALD J. TESSLER, an individual~~, after Plaintiffs determine the ^{mu} amounts due from Defendants.

B. The Court hereby retains jurisdiction of this cause and all of the parties hereto for the purpose of enforcing this Order and entering judgment against Defendants.

ENTER:


UNITED STATES DISTRICT JUDGE

DATED: 3-18-09

Beverly P. Alfon
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BAFVLDu-CookOrder for reports.bpa.df.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she caused a copy of the foregoing document (Order) to be served upon:

Mr. Don J. Tessler, Registered Agent
Du-Cook Construction Co., Inc.
850 Meadowview Crossing, #16B
West Chicago, IL 60185

Mr. Donald J. Tessler
3156 Lincolnshire Court
Carol Stream, IL 60188

by U.S. Mail on or before the hour of 5:00 p.m. this 11th day of March 2009.

/s/ Beverly P. Alfon

Beverly P. Alfon
Attorney for Plaintiffs
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