

**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. 09 C 201

v.)

) Judge Der-Yeghiayan

BEST ENVIRONMENTAL, INC.,)
an Illinois corporation)

) Magistrate Judge Keys

Defendant.)

**MOTION FOR JUDGMENT IN SUM CERTAIN
AND ORDER COMPELLING PRODUCTION OF RECORDS**

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 January 13, 2009 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2) and to compel an audit of the books and records for the period January 1, 2008 to the present.

2. Service upon BEST ENVIRONMENTAL, INC., an Illinois corporation was made on the Defendant on January 16, 2009, and a copy of the proof of service was filed with the court on January 19, 2009.

3. Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$12,534.22 Welfare
\$1,798.94 Pension
\$925.00 Attorneys fees
\$500.00 Court costs
\$15,758.16

WHEREFORE, Plaintiff prays for:

1. Entry of judgment against Defendant, BEST ENVIRONMENTAL, 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 \$15,758.16.

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
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Dated: February 6, 2009