

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

STRUCTURAL IRON WORKERS)	
LOCAL UNION NO. 1 PENSION TRUST)	
FUND and STEVE M. BUKOVAC,)	
Administrator of the Fund Disbursement Office)	
)	
Plaintiffs,)	Case No. 09 CV 0208
)	
v.)	Judge Wayne R. Anderson
)	
RICHARD CLARK, d/b/a R & W Clark)	Mag. Judge Sidney I. Schenkier
Construction, Inc.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF ORDER FOR JUDGMENT

NOW COME Plaintiffs, STRUCTURAL IRON WORKERS LOCAL UNION NO. 1 PENSION TRUST FUND and STEVE M. BUKOVAC, as Administrator of the Fund Disbursement Office (collectively "Plaintiffs"), by and through their attorneys, Hogan Marren, Ltd., and as their Motion for Entry of an Order for Judgment pursuant to Fed. R. Civ. P. 58(b)(1)(b), state as follows:

1. On January 13, 2009, Plaintiffs filed the complaint (Dkt. No. 1) in this matter under the provisions of Sections 502 (a)(3), (g)(2), and 515 of the Employment Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(3), (g)(2), and 1145.
2. Defendant, Richard Clark, d/b/a R&W Clark Construction, Inc., ("Defendant") was served with the Complaint and Summons on March 27, 2009.
3. On July 8, 2009, Plaintiffs filed a Motion for Default. (Dkt. No. 12).

4. On October 1, 2009, this Court granted Plaintiffs' Motion for Default Judgment and entered an Order (Dkt. No. 14) requiring the Defendant to pay delinquent contributions, interest, liquidated damages, audit fees, and reasonable attorney's fees owed to Plaintiffs.

5. Paragraphs 2 and 3 of this court's October 1, 2009 Order (Dkt. No. 14) stated:

(2) Defendant RICHARD CLARK shall pay delinquent contributions, interest, liquidated damages and audit fees found to be due and owing from July 1, 2004 through May 31, 2005 in the amount of THIRTY-THREE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE DOLLARS and FORTY-FOUR CENTS (\$33,865.44).

(3) Defendant RICHARD CLARK shall pay Plaintiffs their attorneys' fees and costs incurred in the prosecution in the amount of ONE THOUSAND EIGHT HUNDRED EIGHT DOLLARS AND FORTY-SEVEN CENTS (\$1808.47).

7. Plaintiffs now move this Court to enter an Order of Judgment in favor of Plaintiffs and against Defendant, RICHARD CLARK, d/b/a R&W Clark Construction, Inc., in the total amount of THIRTY-FIVE THOUSAND SIX HUNDRED AND SEVENTY-THREE DOLLARS AND NINETY-ONE CENTS (\$35,673.91) as reflected in this Court's October 1, 2009 order (Dkt. No. 14). A copy of the draft Order of Judgment is attached hereto as Exhibit A.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully move this Court for entry of an order granting the following relief:

- (a) Enter an Order of Judgment in favor of Plaintiffs and against Richard Clark, d/b/a/ R&W Clark Construction, Inc., for delinquent contributions, interest, liquidated damages, audit fees, and attorney's fees and costs in the amount of \$35,673.91; and,
- (b) Any and all other relief that this court deems equitable and just.

Respectfully submitted,

STRUCTURAL IRON WORKERS LOCAL
UNION NO. 1 PENSION TRUST FUND
and STEVE M. BUKOVAC, as
Administrator of the Fund Disbursement
Office,

By: /s/ Evan J. Haim
One of Their Attorneys

Patrick E. Deady
J. Michael Tecson
Evan J. Haim
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180 N. Wacker Drive, Suite 600
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EXHIBIT A

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Plaintiffs,)	Case No. 09 CV 0208
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v.)	Judge Wayne R. Anderson
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RICHARD CLARK, d/b/a R & W Clark)	Mag. Judge Sidney I. Schenkier
Construction, Inc.,)	
)	
Defendant.)	

ORDER OF JUDGMENT

This matter coming before the Court on Plaintiffs' Motion for Entry of Order for Judgment, the Court being fully apprised on the premises, IT IS HEREBY ORDERED THAT:

- (1) Plaintiffs' Motion for delinquent contributions, interest, liquidated damages, audit fees, and attorneys' fees was granted on October 1, 2009 (Dkt. No. 13);
- (2) Judgment is hereby entered against Defendant RICHARD CLARK in the amount of THIRTY-FIVE THOUSAND SIX HUNDRED AND SEVENTY-THREE DOLLARS AND NINETY-ONE CENTS (\$35,673.91), which includes delinquent contributions, interest, liquidated damages, audit fees, and attorneys' fees and costs; and
- (3) Plaintiffs are directed to serve written notice of this order on the Defendant.

SO ORDERED.

Honorable Judge Wayne R. Anderson

Dated: _____