

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

CHARLES E. ANDERSON, et. al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 09 CV 224
)	Judge William J. Hibbler
METROPOLITAN GLASS & MIRROR, INC., an)	
Illinois Corporation, and BRADLEY WESTON in)	
his individual capacity, and JENNIFER WESTON)	
in her individual capacity,)	
)	
Defendants.)	

JOINT MOTION FOR ENTRY OF A CONSENT JUDGMENT

The parties hereby jointly move this honorable Court for entry of a consent judgment conforming to the terms and conditions stipulated to in the attached Consent Judgment, and state the following in support:

1. Plaintiffs filed this action on January 13, 2009, in order collect delinquent employee benefit fund contributions, assessments, and Union dues;
2. Defendants were all served on January 14, 2009, and the executed summonses were filed with the Clerk on January 22, 2009;
3. Defendants’ attorney has filed an appearance, but no answer has been filed;
4. The parties have discussed and reached settlement with regards to all outstanding amounts, including interest, liquidated damages, audit costs, attorneys’ fees, and court costs;
5. The agreed terms and conditions of the settlement are provided in the attached Consent Judgment signed by the parties’ attorneys of record. (Ex. A)

WHEREFORE, the parties respectfully request that this Court enter a consent judgment in favor of Plaintiffs and against Defendants jointly and severally in accordance with the attached Consent Judgment signed by the parties' attorneys of record.

Respectfully submitted,

/s/ M. Garrett Hohimer
M. Garrett Hohimer
One of Plaintiff's Attorneys

Marisel Hernandez
M. Garrett Hohimer
Jacobs, Burns, Orlove, Stanton and Hernandez
122 S. Michigan Avenue, Suite 1720
Chicago, IL 60603
(312) 372-1646

CERTIFICATE OF SERVICE

I certify that on April 6, 2009, I electronically filed the foregoing JOINT MOTION TO ENTER A CONSENT JUDGMENT with the Clerk of the court using the CM/ECF system, which will provide electronic notification to the following attorneys of record:

Todd Abraham Miller tam@alloccomiller.com

Kathleen Marie Cahill kmc@alloccomiller.com

/s/ M. Garrett Hohimer

Exhibit A

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NORTHERN DISTRICT OF ILLINOIS
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CHARLES E. ANDERSON, et. al.,)
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 METROPOLITAN GLASS & MIRROR, INC., an)
 Illinois Corporation, and BRADLEY WESTON in)
 his individual capacity, and JENNIFER WESTON)
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 Defendants.)

Case No. 09 CV 224
Judge William J. Hibbler

CONSENT JUDGMENT

This matter coming before the Court on a joint motion to enter a consent judgment conforming to the terms contained herein and stipulated to by the parties, and the Court having jurisdiction over the parties and the subject matter, and having been fully advised of the premises, and Defendants having been properly served, the parties hereby agree and it is hereby ordered:

- 1. That judgment in favor of the Plaintiffs and against Defendants jointly and severally is entered in the total amount of \$5,417.57, which represents: \$1,411.11 in delinquent contributions for the audit period of April 1, 2007 through November 30, 2007; \$559.37 in interest; and \$559.37 again as the greater of interest or liquidated damages; \$559.72 for audit costs; and \$2,328.00 for attorneys' fees and costs;
- 2. That in exchange for Defendants making all payments as outlined in paragraph 3, Plaintiffs agree not to execute on the judgment entered in this matter, except that Plaintiffs may place a judgment lien in the amount of the judgment against any real property of Defendants,

such lien to be released by Plaintiffs upon satisfaction of the judgment by completion of the payments as outlined in paragraph 3;

3. That Defendants agree to pay the Plaintiffs \$5,417.57 with interest of 3.5% per annum, payable in 18 consecutive monthly installments of \$300.00 commencing on April 1, 2009, and on the 1st day of 17 consecutive months thereafter, and one final payment of \$173.68 on October 1, 2010;

4. That in the event Defendants fail to make any payment when due, the Plaintiffs shall give written notice to Defendants of such default, and if Defendants fail to cure said default within ten (10) days thereof, then Defendants agree that the Plaintiffs shall be entitled to immediately take any and all steps to execute on any amount unpaid on their judgment;

5. That Defendants agree that as a condition of the payment schedule outlined in this consent judgment, Defendants shall remain current in its contributions and dues obligations prospectively to the extent Defendants perform any work pursuant to its collective-bargaining agreement with the Painters' District Council No. 30. If Defendants fail to remain current on such obligations the Plaintiffs shall be entitled to demand immediate payment of all unpaid amounts under this consent judgment. If, after demand has been made in writing, Defendants have not remitted all monies within ten (10) days of such demand, the Plaintiffs shall be entitled to immediately take any and all steps to execute on any amount unpaid on this judgment;

6. That all notices hereunder shall be in writing and served upon either party by personal delivery, certified mail, or via an overnight delivery service to the following addresses or to such address as shall be changed by notice given hereunder:

a) Plaintiffs: at Jacobs, Burns, Orlove, Stanton & Hernandez, 122 S. Michigan Avenue, Suite 1720, Chicago, Illinois, 60603;

b) Defendants: at 2932 Wolf Creek Lane, Normal, IL 61761 (notice to any Defendant shall be notice to all Defendants);


7. That this consent judgment shall be binding upon the parties hereto, their heirs, administrators, executors, successors, and assigns; and

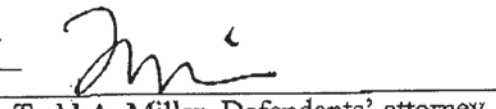
8. That the Court retains jurisdiction of this cause to enforce this Order.

Entered

United States District Judge

Consent:


M. Garrett Hohimer, Plaintiffs' attorney


Todd A. Miller, Defendants' attorney