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

TRUSTEES of the CHICAGO REGIONAL	)
COUNCIL OF CARPENTERS PENSION FUND,	)
CHICAGO REGIONAL COUNCIL OF	)
CARPENTERS WELFARE FUND, and CHICAGO	) CASE NO. 09CV1697
REGIONAL COUNCIL OF CARPENTERS	)
APPRENTICE & TRAINEE PROGRAM FUND,	)
	) JUDGE DOW
Plaintiffs,	)
VS.	)
	)
LAPORTA CONSTRUCTION SERVICE CO., INC.,	)
	)
Defendant.	)

## **MOTION FOR ENTRY OF ORDER OF JUDGMENT**

Plaintiffs, by its attorney, Whitfield, McGann & Ketterman, move this Honorable Court to enter Order of Judgment according to Fed. R. Civ. P. 58 pursuant to the Court's Order for a technical default for failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

- 1. Plaintiffs filed their complaint on March 18, 2009 and the summons and complaint was served on the Secretary of State on April 24, 2009, with copies of the Affidavit of Compliance, Summons and Complaint sent to Daniel J. LaPorta, Registered Avent, via certified mail on April 27, 2009. **(Exhibit A, Affidavit of Compliance)**
- 2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Fed. R. Civ. P.
- 3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. Pursuant to the provisions of the Trust Agreements and the Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay the ERISA contributions based on those hours.

4. An audit was performed for the period of July 2006 through March 2008 and it was discovered that the Defendant owes contributions in the amount of \$5,927.75 for the months of September 2006 through June 2007. (Exhibit B, Affidavit of John Libby)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$937.96 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). **(Exhibit B)** 

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$1,185.55 for the period September 2006 through June 2007 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. The Defendant owes the sum of \$3,084.44 for necessary and reasonable attorney fees and costs, which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, Affidavit of Amy Elizabeth Paluch Epton)

WHEREFORE, Plaintiffs pray that their motion for entry of Order of Judgment be granted in the amount of \$11,135.70.

Respectively submitted,

s/ Amy Elizabeth Paluch Epton
Attorney for the Trustees of the Chicago Regional
Council of Carpenters Pension Fund, et al.

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