

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
PENSION FUND et al.)

Plaintiffs)

v.)

CYGNUS CONSTRUCTION, INC., an)
Illinois corporation,)

Defendant.)

09 C 1732

Judge Pallmeyer

PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT

Plaintiffs Chicago Regional Council of Carpenters Pension Fund *et al.* (“Plaintiffs”), by and through their attorneys and pursuant to Federal Rules of Civil Procedure 37 and 55, hereby move this Court either (i) to enter judgment as to liability against Defendant Cygnus Construction, Inc. (“Defendant”) and set this matter for prove up for failing to comply with this Court’s order and to actively defend this matter, or (ii) alternatively, if Defendant responds to this motion, to set a final date by which Defendant must respond to Plaintiffs’ outstanding interrogatories and produce the documents responsive to Plaintiffs’ outstanding document requests subject to entry of judgment if Defendant fails to comply. In support of their motion, Plaintiffs state as follows:

1. Plaintiff served interrogatories and document requests on Defendant on October 22, 2009. To date, Defendant has not responded to the interrogatories or produced the documents responsive to the document requests.

2. The court was advised of Defendant’s outstanding discovery responses by the parties at the hearing on November 30, 2009 when counsel orally moved this Court to enter a

date by which Defendant had to provide its overdue discovery responses. The Court ordered that “Defendant will respond to outstanding discovery . . . on or before January 6, 2010.” *See* Order, Nov. 30, 2009, Exhibit A.

3. Defendant has failed to respond to the outstanding discovery. Moreover, Defendant’s counsel subsequently advised that Defendant would not respond to the outstanding discovery requests.

4. Plaintiffs move this Court to enter judgment as to liability against Defendant and set this matter for prove up. Or, alternatively, if Defendant responds to this motion, then Plaintiffs move this Court to set a final date by which Defendant must respond to Plaintiffs’ outstanding interrogatories and produce the documents responsive to Plaintiffs’ outstanding document requests subject to entry of judgment and setting this matter for prove up of damages if Defendant fails to comply.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment as to liability against Defendant and set this matter for prove up; alternatively, if Defendant responds to this motion, then Plaintiffs respectfully request that this Court set a final date by which Defendant must respond to Plaintiffs’ outstanding interrogatories and produce the documents responsive to Plaintiffs’ outstanding document requests subject to entry of judgment and setting this matter for prove up of damages if Defendant fails to comply.

CHICAGO REGIONAL COUNCIL OF
CARPENTERS PENSION FUND *et al.*

By: s/ Kevin P. McJessey
One of His attorneys

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CERTIFICATE OF SERVICE

I, Kevin P. McJessy, an attorney, certify that I caused the foregoing **Plaintiff's Motion For Entry of Judgment** to be served upon

Shelly DeRousse
Stahl Cowen
55 West Monroe Street
Suite 1200
Chicago, Illinois 60603

via electronic delivery via the Court's CM/ECF filing system on February 10, 2010.

s/ Kevin P. McJessy
Kevin P. McJessy

EXHIBIT A
09 C 1732

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Rebecca R. Pallmeyer <i>rrp</i>	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 1732	DATE	11/30/2009
CASE TITLE	Chicago Regional Council of Carpenters Pension Fund, et al vs. Cygnus Construction, Inc.		

DOCKET ENTRY TEXT

Status hearing held on 11/30/2009. Discovery close date extended to 2/3/10. Defendant will respond to outstanding discovery and serve its own written discovery requests on or before 1/6/2010. Status hearing set for 2/10/2010 at 9:00.

Notices mailed by Judicial staff.

00:03

Courtroom Deputy Initials:	ETV
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