

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

TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND)	
)	
Plaintiff,)	
)	No. 09 C 2341
v.)	
)	Judge Castillo
R. A. BRIGHT CONSTRUCTION, INC. an Illinois corporation,)	Magistrate Judge Mason
)	
Defendant.)	

MOTION FOR JUDGMENT IN SUM CERTAIN

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 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 April 17, 2009 for collection of delinquent quarterly installments of pension withdrawal liability interim payments due January 15, 2009 and April 15, 2009 of \$269,640. When payments were not made, the debt was accelerated and the Complaint amended to seek the total withdrawal liability owed is \$1,451,207.

2. Service upon R. A. BRIGHT CONSTRUCTION, INC., an Illinois corporation was made on the Defendant on April 20, 2009, and a copy of the proof of service was filed with the court on April 21, 2009.

3. On May 14, 2009 this Court entered an default as to liability against the Defendant for failure to timely appear, answer or otherwise plead.

4. Defendant retained counsel who filed an appearance on May 26, 2009. No motion to vacate has been presented nor a response filed to the Amended Complaint served June 29, 2009.

5. On June 29, 2009 Plaintiffs filed an Amended Complaint seeking \$1,451,207 in withdrawal liability plus all relief allowed under 29 U.S.C. 1451(e).

6. No responsive pleading was filed by Defendant and this court entered an Order of Default on August 5, 2009.

7. The parties have exhausted settlement possibilities.

8. Discussions were had with Defendant's counsel regarding settlement. Defendant posed no offer or terms for resolution. The undersigned advised counsel a week in advance of this filing that Plaintiffs would proceed unless resolution was made beforehand.

9. Defendant is in default as to the withdrawal liability alleged in the Amended Complaint and as supported by the attached Affidavits the sums due are:

\$1,451,207.00	Pension withdrawal liability
\$1,803.75	Attorneys fees
<u>\$441.00</u>	Court costs
\$1,453,451.75	

WHEREFORE, Plaintiff prays for:

A. Entry of judgment against Defendant, R.A. BRIGHT CONSTRUCTION, INC., an Illinois corporation, and all other members of the Bright Control Group, jointly and severally, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUNDS in the amount of \$1,453,451.75.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS PENSION FUNDS

s/John J. Toomey
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Dated: September 30, 2009