

reports, there is \$39,169.98 due Plaintiff Funds for contributions for the stated time period. (See Affidavit of Deborah L. French).

4. Additionally, the amount of \$3,917.00 is due for liquidated damages. (French Aff. Par. 5). After application of partial payments totaling \$29,084.90, there remains \$14,002.08 due for the time period November 2008 through March 2009. (French Aff. Par. 4(c)).

5. Defendant has had an employee covered by the collective bargaining agreement during the month of February 2009, and that this employee has submitted check stubs showing the number of hours worked by him for the Defendant. Based upon these check stubs, it has been determined that \$363.35 is due for contributions and \$36.34 is due for liquidated damages, for a total of \$399.69. (French Aff. Par. 4(d)).

6. Defendant has by its failure to submit monthly contribution reports for the months of April 2009 through August 2009, concealed the number of hours for which contributions are due. Based upon a review of the Defendant's reporting history, a reasonable estimate of the concealed contributions is \$44,783.37 and \$4,478.34 for liquidated damages, for a total of \$49,261.71, due for the aforesaid months. (French Aff. Par. 4(e)).

7. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of one and one-half (1.5%) percent of the total contributions untimely received, compounded monthly at one and one-half (1.5%) percent, for the period accrued through July 31, 2009, in the total amount of \$180.47. (French Aff. Par. 5).

8. In addition, Plaintiffs' firm has expended the amount of \$1,796.25 in attorneys' fees and \$520.00 for costs, for a total of \$2,316.25. (See Affidavit of Catherine M. Chapman).

9. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$66,160.20.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$66,160.20.

/s/ Patrick N. Ryan

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 29th day of September 2009:

Mr. Thomas Vaclavek, Jr., Registered Agent
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