

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

BOARD OF TRUSTEES of the PIPE FITTERS	)	
RETIREMENT FUND, LOCAL 597;	)	
BOARD OF TRUSTEES of the PIPE FITTERS	)	CIVIL ACTION
WELFARE FUND, LOCAL 597;	)	
BOARD OF TRUSTEES of the PIPE FITTERS	)	
TRAINING FUND, LOCAL 597; the	)	NO.: 09-CV-2581
BOARD OF TRUSTEES of the CHICAGO AREA	)	
MECHANICAL CONTRACTING INDUSTRY	)	
IMPROVEMENT TRUST;	)	JUDGE: PALLMEYER
THE PIPE FITTERS' ASSOCIATION,	)	
LOCAL 597 U.A.; BOARD OF TRUSTEES	)	
of the PIPE FITTERS' INDIVIDUAL	)	MAGISTRATE
ACCOUNT and 401(K) PLAN; and	)	JUDGE: MASON
BOARD OF TRUSTEES of the PIPE FITTING	)	
COUNCIL OF GREATER CHICAGO,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
WAGNER HEATING AND VENTILATING CO.	)	
an Illinois Corporation.	)	
	)	
Defendant.	)	

**MOTION FOR ENTRY OF FINAL JUDGMENT**

Now come Plaintiffs, the BOARD OF TRUSTEES of the PIPE FITTERS RETIREMENT FUND, LOCAL 597 *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and moves this Honorable Court for entry of Final Judgment in favor of Plaintiffs and against Defendant WAGNER HEATING AND VENTILATING CO. (“WAGNER”) and in support thereof, state as follows:

1. On or about April 28, 2009, Plaintiffs filed their Complaint in the above-captioned matter.

2. On May 5, 2009, copies of the Summons and Complaint were served upon Defendant WAGNER by leaving true and correct copies with Byron Faermar, the registered agent of WAGNER. (Affidavit of Service is attached as Exhibit 1.)
3. Defendant WAGNER failed to Answer or otherwise plead to the allegations of the Complaint.
4. On or about June 15, 2008, this Court entered Default Judgment in favor of Plaintiffs and against Defendant WAGNER. (A copy of the Default Order is attached as Exhibit 2).
5. The Order required WAGNER to submit Contribution Reports for the months of November of 2008 through April of 2009 so that the total aggregate owed to Plaintiffs could be determined.
6. The Order provides that judgment is entered in favor of Plaintiffs and against Defendant WAGNER for all amounts shown to be due and owing in the Contribution Reports, as well as attorney's fees pursuant to the terms of the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. § 1132(g)(2)(D).
7. Upon information obtained by Plaintiffs, WAGNER ceased its operations in October of 2008 and therefore Contribution Reports for November of 2008 through April of 2009 are not available.
8. WAGNER currently owes the TRUST FUNDS contributions for the month of October of 2008 in the amount of \$3,811.95. (Affidavit of Greg Watson is attached as Exhibit 3).
9. WAGNER owes the TRUST FUNDS liquidated damages in the amount of \$2,813.37 and interest in the amount of \$434.80. (Exhibit 3).
10. WAGNER owes the TRUST FUNDS \$4,569.50 in reasonable attorney's fees pursuant to the terms of the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §

1132(g)(2)(D). (Affidavit of Attorney's Fees is attached as Exhibit 4).

11. A proposed Order is attached as Exhibit 5.

WHEREFORE, Plaintiffs respectfully request the following:

- A. That this Honorable Court enter Final Judgment in favor of Plaintiffs and against Defendant WAGNER in the amount of \$11,629.62 for all known contributions, liquidated damages, interest and reasonable attorney's fees.

Respectfully Submitted,

**JOHNSON & KROL, LLC**

By: /s/ William P. Callinan - 6292500  
One of Plaintiffs' Attorneys

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