

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

Palomar Medical Technologies, Inc., a Delaware corporation	)	
	)	
Plaintiff,	)	No. 09CV-3330
-vs-	)	
	)	Judge Conlon
Joseph Thomas, a/k/a Joseph Thomas, MD,	)	
d/b/a Optimal Health Services	)	Magistrate Judge Valdez
Defendant(s).	)	

**NOTICE OF MOTION**

*Email: [jtaylor@jetlaw.net](mailto:jtaylor@jetlaw.net)*

TO: James E. Taylor, Esq.  
8741 S. Greenwood, Suite 108  
Chicago, IL 60619

On February 16, 2011, at 9:00 a.m., I shall appear before the Honorable Presiding Judge Suzanne B. Conlon --Room #1743, or any judge sitting in her stead, in the courtroom usually occupied by her at the US District Courthouse, 219 S. Dearborn St., Chicago, IL 60603, and shall then and there move the Court to reinstate this cause and enter Judgment in accordance with the Agreed Order entered herein on April 22, 2010, pursuant to the attached Motion.

/s/ Edward S. Margolis

\_\_\_\_\_  
Edward S. Margolis  
One of its attorneys

**CERTIFICATE OF SERVICE**

I, Edward S. Margolis, the attorney, certify that I served this Notice electronically to the above addressed on the 7<sup>th</sup> day of February, 2011.

/s/ Edward S. Margolis

\_\_\_\_\_  
Edward S. Margolis  
One of its attorneys

TELLER, LEVIT & SILVERTRUST, P.C.  
Attorneys for Plaintiff  
11 East Adams Street--#800  
Chicago, Illinois 60603  
(312) 922-3030 --Attorney ID# 01763539

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d/b/a Optimal Health Services	)	Magistrate Judge Valdez
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**MOTION TO REINSTATE**

NOW COMES the Plaintiff, Palomar Medical Technologies, Inc., a Delaware corporation, by and through its attorney, Edward S. Margolis, and moves to reinstate this cause and for entry of judgment against Defendant, Joseph Thomas, a/k/a Joseph Thomas, MD, d/b/a Optimal Health Services, for the following reasons:

1. On April 22, 2010, this Court entered a certain Agreed Order to dismiss the suit and Counterclaim, a copy of the Order in this cause is attached as Exhibit "A".
2. That the Order provides that this Court retains jurisdiction to enforce the payment agreement between the parties.
3. That in relevant part, the payment agreement provides that the Defendant will make certain monthly payments.
4. That the Defendant has defaulted on making its December 15, 2010 and January 15, 2011 payments.
5. That the order provides in relevant part as follows:

In the event of a default on the part of the Defendant in any of the payments provided for in Paragraph 2 hereof, the Plaintiff shall have the absolute right to take judgment, without objection by Defendant or Defendant's counsel, for the amount prayed for in its Complaint on file in this cause, less any payments made, plus costs and interest, by serving a Notice of Motion and Motion on the attorney for Defendant of this cause, requesting the relief provided for herein.

6. That after giving the Defendant credit for all payments received in the amount of \$9,000.00, there remains due and owing the sum of \$104,006.19. ( $\$113,006.19 - \$9,000.00 = \$104,006.19$ ).

WHEREFORE, Plaintiff, Palomar Medical Technologies, Inc., a Delaware corporation, prays for entry of Judgment in its favor and against the Defendant, Joseph Thomas, a/k/a Joseph Thomas, MD, d/b/a Optimal Health Services, in the amount of \$104,006.19, plus costs of suit.

**PALOMAR MEDICAL TECHNOLOGIES, INC., A  
DELAWARE CORPORATION**  
Plaintiff herein,

/s/ Edward S. Margolis

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Edward S. Margolis  
One of its attorneys

TELLER, LEVIT & SILVERTRUST, P.C.  
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