

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

TRUSTEES OF THE SUBURBAN TEAMSTERS	)	
OF NORTHERN ILLINOIS WELFARE AND	)	
PENSION FUNDS,	)	
	)	
Plaintiffs,	)	
	)	Case No.: 09 C 4780
v.	)	
	)	Judge Coar
	)	
RODMAL TRUCKING CO.,	)	
a dissolved Illinois corporation,	)	
JOSE MALDONADO, Individually	)	Magistrate Judge Soat Brown
	)	
Defendants.	)	

**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 August 5, 2009 for collection of delinquent contributions plus attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).
2. Service upon RODMAL TRUCKING CO., a dissolved Illinois corporation was made on the Defendant, on August 19, 2009, and a copy of the proof of service was filed with the court on August 27, 2009.
3. Service upon JOSE MALDONADO, Individually was made on the Defendant, on August 19, 2009, and a copy of the proof of service was filed with the court on August 27, 2009.

4. Defendants entered into an agreement with the Plaintiffs (Exhibit A). The Agreement provides that Defendant shall make a down payment of \$2,500.00. The down payment has been made. The Agreement also provides that Defendants shall pay \$1,000.00 per month commencing October 1, 2009 until the total amount of \$11,868.17 is paid in full.

5.. Defendants are now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$9,368.17 Pension and Welfare  
\$925.00 Attorneys fees  
\$95.00 Court costs  
\$10,388.17

WHEREFORE, Plaintiff prays for:

1. Entry of judgment against Defendants, RODMAL TRUCKING CO., a dissolved Illinois corporation and JOSE MALDONADO, Individually, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$10,388.17.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

s/John J. Toomey  
ARNOLD AND KADJAN  
19 W. Jackson Blvd., Suite 300  
Chicago, IL 60604  
Telephone No.: (312) 236-0415  
Facsimile No.: (312) 341-0438  
Dated: October 19, 2009

# **EXHIBIT A**

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

TRUSTEES OF SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE  
AND PENSION FUNDS  
Plaintiffs,

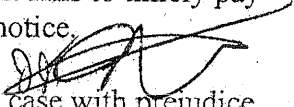
Vs.

No 09 C 4780

RODMAL TRUCKING, Co.  
A dissolved Illinois Corporation  
JOSE MALDONADO, Individually,

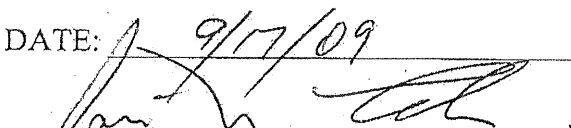
AGREEMENT

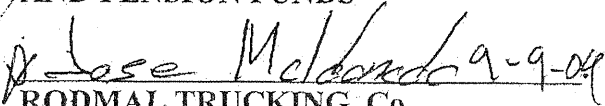
Now Come the Parties to this matter agreeing to continue this matter generally as the Plaintiff has agreed to accept a payment from the Defendant in the amount of \$2,500.00 instant to be applied to the \$11,868.17 sought in the Plaintiff's Complaint and thereafter the Defendant shall pay the Plaintiff the amount of \$1,000.00 per month on the first (1<sup>st</sup>) of each month beginning October 1, 2009 until the entire amount due, \$11,868.17, sought in the Plaintiff's Complaint is paid in full. If the last month's payment is less than \$1,000.00, the last payment shall then be the remaining balance then due and owing.

So long as the Defendant makes timely payments under this agreement the Plaintiff agrees not to seek a judgment and grant the Defendant leave to generally continue their time to file their appearance or otherwise plead. If the Defendant fails to timely pay Plaintiff shall then seek a default judgment pursuant to proper notice. This Agreement is subject to the court's approval.   
At the time full payment is made the Plaintiff shall dismiss this case with prejudice.

DATE:

9/17/09

  
Plaintiff TRUSTEES OF SUBURBAN TEANSTERS  
OF NORTHERN ILLINOIS WELFARE  
AND PENSION FUNDS

  
RODMAL TRUCKING, Co.  
A dissolved Illinois Corporation  
JOSE MALDONADO, Individually,