

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

BOARD OF TRUSTEES of the PLUMBERS'	)	
LOCAL UNION NO. 93 U.A.;	)	
BOARD OF TRUSTEES of the PLUMBERS'	)	
LOCAL UNION NO. 93 U.A. RETIREMENT	)	
ACCOUNT FUND;	)	
BOARD OF TRUSTEES of the PLUMBERS'	)	
LOCAL UNION NO. 93 U.A. PENSION FUND;	)	NO.: 09-CV-6276
BOARD OF TRUSTEES of the PLUMBERS'	)	
LOCAL UNION NO. 93 U.A. HEALTH AND	)	
WELFARE FUND;	)	JUDGE: CASTILLO
BOARD OF TRUSTEES of the JOINT	)	
APPRENTICESHIP COMMITTEE FUND of the	)	
PLUMBING & HEATING INDUSTRY OF LAKE	)	MAGISTRATE JUDGE:
AND McHENRY COUNTIES; and	)	DENLOW
The INDUSTRY ADVANCEMENT FUND;	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
COLETTE & ANO PLUMBING COMPANY,	)	
INC., an Illinois Corporation,	)	
	)	
Defendant.	)	

**MOTION FOR FINAL JUDGMENT**

Now come Plaintiffs, the BOARD OF TRUSTEES OF THE PLUMBERS LOCAL UNION NO. 93 U.A., *et al.*, (“TRUST FUNDS”) by and through their attorneys, JOHNSON & KROL, LLC, and move this Honorable Court for entry of Final Judgment in favor of Plaintiffs and against Defendants COLETTE & ANO PLUMBING COMPANY, INC. (“COLETTE”) and in support thereof, state as follows:

1. On October 7, 2009, Plaintiffs filed their Initial Complaint in the above-captioned matter.
2. On October 13, 2009, copies of the Summons and Complaint were served upon COLETTE via corporate service by leaving a true and correct copy of said documents

with Reed Ano, the owner/president of Defendant COLETTE.

3. The Defendant did not file an Answer or otherwise respond to the Complaint within 20 days of October 13, 2009, the date the Defendant was served with the Summons and Complaint (Fed. R. Civ. P. 12(a)(3)).
4. On or about November 10, 2009, this court entered a default against Defendant COLETTE for its failure to timely appear, answer or otherwise respond to the Plaintiffs' Complaint. The Court retained jurisdiction over the matter to enter final judgment. (A copy of the Default Order is attached as Exhibit 1).
5. This case involves unpaid contributions and wage deductions.
6. The amount of contributions and wage deductions due and owing to the Plaintiffs is determined by the number of hours worked by covered employees under the Collective Bargaining Agreement and Trust Agreements.
7. Defendant COLETTE has failed to submit its contribution payments for the months of September and October of 2009 in the amount of \$11,246.32. (Affidavit of Scott Spangle is attached as Exhibit 2).
8. As a result of Defendant's failure to submit Contribution Reports and payments in a timely manner, Defendant COLETTE currently owes the TRUST FUNDS \$3,185.45 in unpaid liquidated damages and \$153.40 in unpaid interest for the time period of June of 2009 through present pursuant to the terms of the Collective Bargaining Agreement. (Exhibit 2).
9. COLETTE currently owes the TRUST FUNDS \$2,439.41 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 3).
10. A proposed Order is attached as Exhibit 4.

**WHEREFORE, Plaintiffs pray for the following:**

- A. That Judgment be entered in favor of Plaintiffs and against Defendant COLETTE in the amount of \$17,024.58 for all contribution, liquidated damages and interest owed for the time period of June of 2008 through present; and
- B. That Plaintiffs have such other relief and further relief as the Court may deem just and equitable all at Defendants' cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

Respectfully submitted,

**JOHNSON & KROL, LLC**

/s/ William P. Callinan – 6292500  
One of Plaintiffs' Attorneys

William P. Callinan  
**JOHNSON & KROL, LLC**  
300 South Wacker Drive, Suite 1313  
Chicago, Illinois 60606  
312-372-8587