

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

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 09 C 6424
)	
HUBBARD HEATING, INC.,)	JUDGE MILTON I. SHADUR
an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on December 1, 2009, request this Court enter judgment against Defendant, HUBBARD HEATING, INC., an Illinois corporation. In support of that Motion, Plaintiffs state:

1. On December 1, 2009, this Court entered default against Defendant and granted Plaintiffs’ request for an order directing Defendant to submit its monthly fringe benefit contribution reports for the time period September 2009 forward. The Court also entered an order that judgment would be entered after Defendant submitted the required reports and Plaintiffs determined the amounts due pursuant to those reports.

2. On or about December 7, 2009, Defendant submitted its monthly fringe benefit contribution reports for September 2009 through November 2009. Defendant previously submitted reports for September 2008 through December 2008 and June 2009 through August 2009 without the payment of all fringe benefit contributions due thereon. The contribution reports submitted by Defendant for the time period September 2008 through December 2008 and June 2009 through

November 2009 show that the Defendant is delinquent in contributions to the Funds in the amount of \$45,351.39. (See Affidavit of Scott P. Wille).

3. Additionally, the amount of \$4,535.14 is due for liquidated damages. (Wille Aff. Par. 5).

4. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the months of August 2008 and September 2008, in the total amount of \$1,713.38.

5. In addition, Plaintiffs have incurred costs totaling \$414.00 and reasonable attorneys' fees totaling \$1,671.25. (See Affidavit of Catherine M. Chapman).

6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$53,685.16.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$53,685.16.

/s/ Cecilia M. Scanlon

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion) 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 19th day of January 2010:

Mr. Jeffrey P. O'Sullivan, Registered Agent
Hubbard Heating, Inc.
112 S. First Street
Peotone, IL 60468

/s/ Cecilia M. Scanlon

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