

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

LOCAL 710 HEALTH, WELFARE AND PENSION FUNDS,)	
)	
Plaintiffs,)	09CV6822
)	
v.)	JUDGE DER-YEGHIAYAN
)	
M. SMITH, INC., an Illinois Corporation,)	MAG. JUDGE DENLOW
)	
Defendant.)	

MOTION FOR JUDGMENT

NOW COME the Plaintiffs and move this Honorable Court to enter judgment on behalf of the Plaintiffs and against Defendant on the grounds that the Defendant has failed to answer or otherwise defend to the Complaint of the Plaintiffs, a copy of which is attached hereto as Exhibit "A". Said Defendant was served on November 20, 2009, as more fully appears from the Affidavit of Service, a copy of which is attached hereto as Exhibit "B", and the Court having entered an Order of Default on April 7, 2010.

WHEREFORE, Plaintiffs request the following relief:

1. That default was entered against the Defendant herein, M. SMITH, INC., an Illinois Corporation, on April 7, 2010.
2. That judgment be entered forthwith against the Defendant and in favor of Plaintiffs for the period January 1, 2005, through December 31, 2008, in the amount of \$898,156.68, as shown on the Affidavit of the Fund Administrator, filed herewith.
3. That an order be entered forthwith against the Defendant and in favor of Plaintiff for production of books and records for the period January 1, 2009, through February 28, 2010, and to pay to Plaintiffs the amount found due and owing in accordance with the applicable provisions of its collective bargaining agreement.

4. That interest and/or liquidated damages be assessed against the Defendant as provided in the Collective Bargaining Agreement and the applicable provisions of the Pension Reform Act.

5. That the Defendant be ordered to comply with and perform according to the terms and conditions of its Collective Bargaining Agreement and the applicable provisions of ERISA as amended.

6. For such other and further relief as the Court may deem just and proper, including reasonable attorney's fees and court costs which are sustained.

/s/ Robert B. Greenberg
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Dated: April 8, 2010