

**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;)
BOARD OF TRUSTEES of the PLUMBERS')
LOCAL UNION NO. 93 U.A. HEALTH AND)
WELFARE FUND;)
BOARD OF TRUSTEES of the JOINT)
APPRENTICESHIP COMMITTEE FUND of the)
PLUMBING & HEATING INDUSTRY OF LAKE)
AND McHENRY COUNTIES; and)
The INDUSTRY ADVANCEMENT FUND;)

Plaintiffs,

vs.

DN PLUMBING, INC.,)
an Illinois Corporation, and)
DOMENICO NICHILLO a/k/a)
DOMINIC NICHILLO, an Individual,)

Defendants.)

CIVIL ACTION

NO.: 09-CV-7115

JUDGE: SHADUR

MAGISTRATE
JUDGE: ASHMAN

**FINAL JUDGMENT AS TO TWO CLAIMS
AND DEFAULT ORDER AS TO OTHER CLAIMS**

Pursuant to Federal Rule of Civil Procedure 54(b), there being no just reason for delay, Final Judgment is hereby entered in favor of Plaintiffs and against Defendant DN PLUMBING, INC. ("DN PLUMBING") and DOMENICO NICHILLO a/k/a DOMINIC NICHILLO ("NICHILLO"), jointly and severally, in the amount of \$23,737.96, as to the following claims:

1. Judgment is entered in favor of Plaintiffs and against Defendants DN PLUMBING and NICHILLO, jointly and severally, in the amount of \$21,647.98 for the amounts owed



under the breached Settlement Agreement of March 31, 2009;

2. Judgment is entered in favor of Plaintiffs and against Defendants DN PLUMBING and NICHIO, jointly and severally, in the amount of \$2,089.98 for liquidated damages and interest for the time period of January through September of 2009 per the terms of the Collective Bargaining and Trust Agreements.

A Default Order is hereby entered in favor of Plaintiffs and against Defendant DN PLUMBING, INC. ("DN PLUMBING") and DOMENICO NICHIO a/k/a DOMINIC NICHIO ("NICHIO"), jointly and severally, as follows:

1. Defendant DN PLUMBING, through its President NICHIO, is Ordered to submit Contribution Reports for the months of October and November of 2009 to Plaintiffs' attorneys within five (5) days from the date of being served with a copy of this Default Order.
2. Judgment ^{will then be} ~~is~~ entered in favor of Plaintiffs and against Defendants DN PLUMBING and NICHIO, jointly and severally, for all contributions and liquidated damages found to be due and owing for the months of October and November of 2009.
3. Judgment ^{will then be} ~~is~~ entered in favor of Plaintiffs and against Defendants DN PLUMBING and NICHIO, jointly and severally, for all of Plaintiffs' reasonable attorney's fees and costs pursuant to the terms of the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(D).
4. Plaintiffs are granted leave to ^{move} ~~motion~~ this Court for final Judgment as to these additional claims once the total aggregate amount owed to Plaintiffs can be determined.
5. That Plaintiffs have such other relief and further relief as this Court may deem just and

equitable all at Defendants' cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

ORDERED BY:

Walton Shadur

HONORABLE JUDGE SHADUR

Dated: Jan. 7, 2010