

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TEAMSTERS LOCAL UNION NO. 727	)	
HEALTH AND WELFARE FUND,	)	
TEAMSTERS LOCAL UNION NO. 727	)	
PENSION FUND and TEAMSTERS	)	
LOCAL UNION NO. 727 LEGAL AND	)	
EDUCATIONAL ASSISTANCE FUND,	)	09CV7238
	)	
	)	JUDGE LEINENWEBER
v.	)	
	)	MAG. JUDGE VALDEZ
ED PRIGNANO FUNERAL HOME, INC.,	)	
an Illinois Corporation,	)	
	)	
Defendant.	)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,  
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiff and moves this Honorable Court to vacate Order of Dismissal entered on July 27, 2010, a copy of which is attached hereto as Plaintiff's Exhibit "A", and to reinstate Plaintiff's cause of action instanter, and for entry of judgment against the Defendant.

In support of Plaintiff's Motion, Plaintiff states as follows:

- 1) That pursuant to Settlement Agreement, executed by the parties, a copy of which is attached hereto as Plaintiff's Exhibit "B," the parties agreed to a dismissal of the pending action.
- 2) That notwithstanding the provisions of the Settlement Agreement,

specifically paragraph 2 thereof, the Defendant made no payments, although the Settlement Agreement provided that payments of \$1,155.31 were to be made on July 15 and August 15, 2010.

WHEREFORE, in accordance with the provisions of the Order of Dismissal, Exhibit "A", Plaintiff prays that the Order of Dismissal be vacated instanter, Plaintiff's cause of action be reinstated, and that judgment enter in favor of Plaintiff and against the Defendant, ED PRIGNANO FUNERAL HOME, INC., an Illinois Corporation, in the amount of \$13,354.13, as and for the outstanding balance of delinquencies calculated pursuant to the Settlement Agreement, which amount does not include any current delinquencies which may be due.

That Plaintiff also prays that judgment enter for Plaintiff's attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Settlement Agreement.

/s/ Robert B. Greenberg  
Asher, Gittler, Greenfield & D'Alba, Ltd.  
200 West Jackson Boulevard, Suite 1900  
Chicago, Illinois 60606  
(312) 263-1500  
Fax: (312) 263-1520  
rbg@ulaw.com  
IL ARDC#: 01047558

Dated: September 17, 2010