

1-27-10JWL145303-3

65100-1323LIT5024

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

JAMES T. SULLIVAN, not individually but as Trustee of)
PLUMBERS' PENSION FUND, LOCAL 130, U.A., etc.,)
et al.,)

Plaintiffs,)

v.)

GRAND PLUMBING, INC.,)

Defendant.)

No. 09 C 7960

Judge John A. Nordberg

Magistrate Judge Morton Denlow

PLAINTIFFS' MOTION FOR JUDGMENT

Plaintiffs, James T. Sullivan, not individually, but as Trustee of Plumbers' Pension Fund, Local 130, U.A., etc., et al. ("Funds"), by their attorneys, John W. Loseman, Douglas A. Lindsay, and Brian T. Bedinghaus, with LEWIS, OVERBECK & FURMAN, LLP of counsel, move the Court to enter Judgment in favor of Funds and against Defendant, Grand Plumbing, Inc. ("Grand"). In support hereof, Funds state:

1. Funds filed this action on December 23, 2009, to enforce against Grand a labor arbitration award issued by the Joint Arbitration Board under a collective bargaining agreement, ERISA, 29 U.S.C. §§1132 and 1145, and LMRA, 29 U.S.C. §185, and to recover the amount set forth in the Award along with interest, double interest, and reasonable attorneys' fees and costs.

Complaint, Docket No. 1.

2. Grand was served with process on January 4, 2010. *Return of Service, Docket No. 5.* For the Court's convenience, a true and correct copy of the Return of Service is attached as Exhibit A.

3. Pursuant to F.R.Civ.P. 12(a)(1), Grand was required to answer the Complaint by January 25, 2010.

4. As of the date of filing of this Motion, Grand neither has appeared in this case nor has answered or otherwise responded to the Complaint.

5. Grand is in default.

6. Grand owes the following:

JAB Decision and Award attached as Exhibit B to Complaint, per Collective Bargaining Agreement and ERISA, 29 U.S.C. §1132(g)(2)(A) and (B) and LMRA, 29 U.S.C. §185	159,389.48
Additional interest for period 7/6/09 through 1/27/10 at \$1,623.89/mo. per Decision and Award and 29 U.S.C. §1132(g)(2)(B) and 29 U.S.C. §185	11,367.23
ERISA double interest through 1/27/10 including accrued (\$17,469.41) and additional ((\$11,367.23) interest per 29 U.S.C. §1132(g)(2)(C)	28,836.64
Attorneys' fees and costs as set forth in Affidavit of John W. Loseman attached as Exhibit B per Decision and Award, 29 U.S.C. §1132(g)(2)(D), and 29 U.S.C. §185	<u>3,910.68</u>
Total:	\$203,504.03

WHEREFORE, Plaintiffs, James T. Sullivan, not individually but as a Trustee of Plumbers' Pension Fund, Local 130, U.A., etc., et al., request that the Court enter judgment in favor of Plaintiffs and against Defendant, Grand Plumbing, Inc., in the amount of \$203,504.03.

James T. Sullivan, not individually but as a Trustee of Plumbers' Pension Fund, Local 130, U.A., etc., et al., by their attorneys, John W. Loseman, Douglas A. Lindsay, and Brian T. Bedinghaus

By: /s/ John W. Loseman
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Of Counsel:
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CERTIFICATE OF SERVICE

John W. Loseman, an attorney, certifies that he caused a copy of the foregoing Plaintiffs' Motion for Judgment to be served on the following person(s):

Grand Plumbing, Inc.
c/o R&S Legal Services, Inc., Registered Agent
200 W. Madison Street
Suite 2100
Chicago, IL 60606

by causing a true and correct copy thereof to be sealed in an envelope addressed as aforesaid, with proper first class postage prepaid, and deposited with the U.S. Postal Service at 20 N. Clark Street, Chicago, IL this 27th day of January, 2010.

/s/ John W. Loseman