

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

**TRUSTEES OF THE AUTOMOBILE)
MECHANICS' INDUSTRY WELFARE)
AND PENSION FUNDS OF THE)
INTERNATIONAL ASSOCIATION OF)
MACHINISTS AND AEROSPACE)
WORKERS, AFL-CIO, LOCAL 701,)
Plaintiffs,)
v.)
JIMMY DIESEL INC., an Illinois)
Corporation,)
Defendant.)**

**Case No. 2010 CV 00131
Hon. Judge David Coar
Magistrate Judge Ashman**

**MOTION FOR JUDGMENT IN
SUM CERTAIN**

Plaintiffs by and through their attorneys, ARNOLD and KADJAN and L. STEVEN PLATT, move as follows:

1. The defendant was defaulted in this case on March 30, 2010.
2. The defendant owes, that the plaintiffs know of, \$6,450 in health and welfare fund contributions and \$1,852 in pension contributions (see complaint Exhibit B, and attached declaration by Paul Newman).
3. Plaintiffs have been unable to serve the default order on defendant yet and ask for additional time to do so – for an audit of defendant's books and records to determine if additional amounts are due and owing.
4. In the interim plaintiffs ask for a judgment order in the amount of \$8,302, said amount to be supplemented if there are additional amounts due and owing if and when an audit of defendant's books and records is permitted and this court's order of default and turn over is served.

WHEREFORE plaintiffs ask for the relief indicated above.

**Respectfully Submitted
Trustees of the Industry
Welfare and Pension et al**

By: /s/ L. Steven Platt

**L. Steven Platt
ARNOLD and KADJAN
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Chicago, IL 60604
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WORKERS, AFL-CIO, LOCAL 701,)	
Plaintiffs,)	Case No. 2010 CV 00131
v.)	Hon. Judge David Coar
)	Magistrate Judge Ashman
JIMMY DIESEL INC., an Illinois)	
Corporation,)	
)	
Defendant.)	

DECLARATION OF PAUL NEWMAN

Paul Newman, pursuant to the laws of perjury and the State of Illinois and the federal court, and pursuant to 28 U.S.C. § 1746(2), states as follows:

1. I am the comptroller of the Automobile Mechanic's Local 701 Industry Health and Welfare funds and Pension Fund.
2. Part of my job duties includes keeping track of all contractors who go bankrupt and those who pay up as opposed to those who fail to pay and become delinquent.
3. It is part of my normal and ordinary business duties and responsibilities to keep track of the payments and payment schedules being made by companies or employers.
4. In my review of the files, I noticed that United Lift Truck Services Inc., had a lot of irregularities in its books and records.
5. I also noticed that they have been delinquent in paying dues and fringe benefits for over two years now, dating to 1987.
6. I produced these records in response to discovery requests to the plaintiffs in this case.

7. Based on records we have so far, it appears that the defendants in this case owe the fund the following”:

a. \$6,450 in health and welfare benefits from from December of 2008 through July of 2009 and

b. \$1,852.00 in pension benefits for the same period.

8. These amounts may rise if we are permitted to do an audit of their books and records.

I hereby declare pursuant to the laws of the State of Illinois and the federal court and pursuant to 28 U.S.C. § 1746(2), and subject to the laws of perjury that the above statements are true and correct to the best of my knowledge and ability.

/s/ Paul Newman

Dated: May 19, 2010

Certificate of Service

L. Steven Platt being an attorney licensed to practice law in the State of Illinois hereby certifies that a copy of the foregoing was served on the following party by US Mail postage prepaid on this 19th day of May, 2010

Jerry Weller
c/o Jimmy Diesel
550 S. East Av.
La Grange, IL 60525

/s/ L. Steven Platt