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

TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS,)))
Plaintiffs,)
V.) No. 2010 C 1725
) Judge Castillo
40CAL TRUCKING, INC., an Illinois corporation) Magistrate Judge Cole)
Defendant.)

MOTION FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS

OF NORTHERN ILLINOIS WELFARE AND PENSION FUND, by and through its

attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to FRCP 55 move

for judgment in sum certain as stated in this Complaint and the supporting Affidavits

attached hereto. In support of its Motion, Plaintiffs state as follows:

- 1. Suit was filed on March 18, 2010 to obtain an audit for collection of delinquent contributions plus attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2). An audit for the period August, 2009 through December, 2009 took place on April 5, 2010.
- 2. Sservice upon 40CAL TRUCKING, INC., an Illinois corporation was made on the Defendant on March 31, 2010, and a copy of the proof of service was filed with the court on April 9, 2010.

3. Defendant is now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$1,453.19 Pension \$2,788.22 Welfare \$925.00 Attorneys fees \$440.00 Court costs \$5,606.41

WHEREFORE, Plaintiff prays for:

1. Entry of judgment against Defendant, 40CAL TRUCKING, INC., an Illinois corporation, and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS in the amount of \$5,606.41.

TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS

s/John J. Toomey ARNOLD AND KADJAN 19 W. Jackson Blvd., Suite 300 Chicago, IL 60604 Telephone No.: (312) 236-0415

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Dated: July 19, 2010