

04-20-10JWL146451-3

65100-1245LIT4915

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

PLUMBERS' PENSION FUND, LOCAL 130, U.A., et al.,	)	
	)	No. 10 C 1895
Plaintiffs,	)	
	)	Judge Milton I. Shadur
v.	)	
	)	Magistrate Judge Michael T. Mason
ENCOTECH CONSTRUCTION SERVICES, INC.,	)	
	)	
Defendant.	)	

PLAINTIFFS' MOTION FOR JUDGMENT

Plaintiffs, Plumbers' Pension Fund, Local 130, U.A., and Plumbers' Welfare Fund, Local 130, U.A. (collectively, "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, Encotech Construction Services, Inc. ("Encotech"). In support hereof, Funds state:

1. Funds are multi-employer employee benefit funds.
2. Funds filed this action to enforce a labor arbitration award that the Joint Arbitration Board issued in favor of Funds and against Encotech under a collective bargaining agreement, pursuant to LMRA, 29 U.S.C. §185, and to recover the amount set forth in the Award along with Funds' reasonable attorneys' fees and costs. *Complaint, Docket No. 1.*
3. Encotech was served with process on March 29, 2010. *Return of Service, Docket No. 6.* For the Court's convenience, a true and correct copy of the Return of Service is attached as Exhibit A.

4. Pursuant to F.R.Civ.P. 12(a)(1), Encotech was required to answer the Complaint by April 19, 2010.

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

6. Encotech is in default.

7. Encotech owes the following:

JAB Decision and Award attached as Exhibit B to Complaint, per Collective Bargaining Agreement and LMRA, 29 U.S.C. §185. For Court's convenience, a copy of Award is attached hereto as Exhibit B.	\$25,000.00
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Attorneys' fees and costs as set forth in Affidavit of John W. Loseman attached hereto as Exhibit C, per Decision and Award and 29 U.S.C. §185	<u>3,785.46</u>
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Total:	\$28,785.46
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WHEREFORE, Plaintiffs, Plumbers' Pension Fund, Local 130, U.A. and Plumbers' Welfare Fund, Local 130, U.A., request that the Court enter judgment in favor of Plaintiffs and against Defendant, Encotech Construction Services, Inc., in the amount of \$28,785.46.

Plumbers' Pension Fund, Local 130, U.A., et al.,  
by their attorneys, John W. Loseman, Douglas  
A. Lindsay, and Brian T. Bedinghaus

By: /s/ John W. Loseman  
John W. Loseman  
20 N. Clark Street, Suite 3200  
Chicago, IL 60602-5093  
312.580.1258

Of Counsel:  
LEWIS, OVERBECK & FURMAN, LLP  
20 N. Clark Street, Suite 3200  
Chicago, IL 60602-5093  
312.580.1200

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):

Encotech Construction Services, Inc.  
c/o Diane L. Frank, President  
23250 Indian Creek Road  
Lincolnshire, IL 60069

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 20<sup>th</sup> day of April, 2010.

/s/ John W. Loseman \_\_\_\_\_