

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

BOARD OF TRUSTEES of the PLUMBERS' )  
LOCAL UNION NO. 93 U.A.; )  
BOARD OF TRUSTEES of the PLUMBERS' )  
LOCAL UNION NO. 93 U.A. RETIREMENT )  
ACCOUNT FUND; )  
BOARD OF TRUSTEES of the PLUMBERS' )  
LOCAL UNION NO. 93 U.A. PENSION FUND; )  
BOARD OF TRUSTEES of the PLUMBERS' )  
LOCAL UNION NO. 93 U.A. HEALTH AND )  
WELFARE FUND; )  
BOARD OF TRUSTEES of the JOINT )  
APPRENTICESHIP COMMITTEE FUND of the )  
PLUMBING & HEATING INDUSTRY OF LAKE )  
AND McHENRY COUNTIES; and )  
The INDUSTRY ADVANCEMENT FUND; )

Plaintiffs,

vs.

TMS MECHANICAL, INC.  
an Illinois Corporation,

Defendant.

CIVIL ACTION

NO.: 10-CV-2137

JUDGE: ZAGEL

MAGISTRATE  
JUDGE: SCHENKIER

**DEFAULT ORDER**

An Order of Default is hereby entered in favor of Plaintiffs and against Defendant TMS MECHANICAL, INC. ("TMS MECHANICAL") as follows:

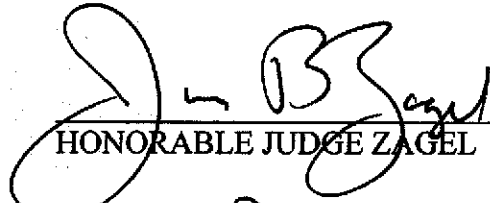
1. Default Judgment is entered in favor of Plaintiffs and against Defendant TMS MECHANICAL in the amount of \$61,850.30 for contributions owed for the months of December of 2009 and January and February of 2010;
2. Defendant TMS MECHANICAL is hereby Ordered to submit Contribution Reports for the months of March, April and May of 2010 within five (5) days from the date of being served with a copy of the Default Order;



3. Judgment is entered in favor of Plaintiffs and against Defendant TMS MECHANICAL for all contributions found to be due and owing for the months of March, April and May of 2010;
4. Judgment is entered in favor of Plaintiffs and against Defendant TMS MECHANICAL for all liquidated damages and interest owed for the time period of December of 2009 through May of 2010;
5. Judgment is entered in favor of Plaintiffs and against Defendant TMS MECHANICAL for all of Plaintiffs' reasonable attorney's fees and costs pursuant to the terms of the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(D);
6. Defendant TMS, through its President Tim Sack, is ordered to provide access to its books and records within ten (10) days from the date of this Order so that the Plaintiffs can conduct a payroll compliance audit. Defendant TMS is ordered to provide any records or documents reasonably requested by the auditor and as may be necessary to complete the payroll compliance audit;
7. Defendant TMS MECHANICAL is hereby Ordered to comply with all the terms of the Collective Bargaining and Trust Agreements including the submission of all ongoing Contribution Reports and contributions throughout the remainder of the collective bargaining term.
8. Plaintiffs are granted leave to file for Final Judgment upon completion of the audit and once the total aggregate amount owed to Plaintiffs from Defendant TMS MECHANICAL can be determined;

9. That the Plaintiffs have such other relief as the Court may deem just and equitable all at Defendant's cost, pursuant to 29 U.S.C. § 1132(g)(2)(E).

ORDERED BY:

  
HONORABLE JUDGE ZAGEL

Dated: 30 June 2010