

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

MASONRY INSTITUTE, BRICKLAYERS)	
LOCAL 21 PENSION FUND, BRICKLAYERS)	
LOCAL 21 OF ILLINOIS APPRENTICESHIP)	
AND TRAINING PROGRAM, AND BRICK-)	
LAYERS AND STONE MASONS OF ILLI-)	
NOIS DISTRICT COUNCIL NO. 1 B.A.C.)	
ANNUITY TRUST FUND,)	
)	No. 1:10CV2594
Plaintiffs,)	
v.)	Judge Gottschall
)	
G & C CONSTRUCTION & SEALANTS,)	Mag. Judge Denlow
INC., an Illinois Corp.,)	
)	
Defendant.)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on February 25, 2011, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instanter, and for entry of judgment against the Defendant.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

- 1) That pursuant to Settlement Agreement and Agreed Order of Dismissal, executed by the parties on February 21, 2011, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.

2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 1 thereof, the Defendant has only remitted payments totaling \$11,900.00, when payments in the amount of \$29,789.81 were due.

WHEREFORE, in accordance with the provisions of the Agreed Order of Dismissal, Exhibit "A", Plaintiffs pray that the Order of Dismissal be vacated instanter, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant in the amount of \$55,782.00, as and for the outstanding delinquencies and accrued interest calculated pursuant to the Judgment Order, which amount does not include the current delinquencies claimed due.

That Plaintiffs also pray that judgment enter for Plaintiffs' attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Settlement Agreement.

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