

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

JAMES M. SWEENEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 10 C 2786
)	
NOEL RAMOS CONSTRUCTION CO.,)	JUDGE SHARON JOHNSON COLEMAN
INC., an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR PROVE-UP

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on June 15, 2010, request this Court enter judgment against Defendant, NOEL RAMOS CONSTRUCTION CO., INC., an Illinois corporation. In support of its Motion, Plaintiffs state:

1. On June 15, 2010, this Court entered default against Defendant and granted Plaintiffs' motion for an order directing Defendant to turn over its monthly fringe benefit (non-bargaining) contribution reports for February 2010 forward. The Court also entered an order that judgment would be entered after Defendant submitted the required reports and Plaintiffs determined the amount due and owing from Defendant.
2. On September 20, 2010, Defendant submitted its monthly fringe benefit (non-bargaining) contribution reports for February 2010 through September 2010. Based on these reports, and prior reports submitted by Defendant, Defendant is delinquent in contributions to the Funds for the months of October 2009 through May 2010 in the amount of \$97,170.24. (See Affidavit of David S. Bodley).
3. Defendant has received a credit of \$5,255.00 toward amounts due and owing.

4. Additionally, the amount of \$9,388.83 is due for liquidated damages for the months of August 2009 through May 2010. (Bodley Aff. Par. 5).

5. In addition, Plaintiffs' firm has expended \$435.00 in costs and \$2,380.00 in reasonable attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$104,119.08.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$104,119.08.

/s/ Cecilia M. Scanlon _____

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Prove-Up) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 1st day of October 2010:

Mr. Noel Ramos, Registered Agent/President
Noel Ramos Construction Co., Inc.
143 Paramount
Wood Dale, IL 60191

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
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