

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

**TRUSTEES OF THE AUTOMOBILE)
MECHANICS INDUSTRY HEALTH)
AND WELFARE AND PENSION)
FUNDS OF THE AUTOMOBILE)
MECHANICS AND AEROSPACE)
WORKERS AFL-CIO, LOCAL 701,)**

Plaintiffs,)

vs.)

SMR MOBILE SERVICES, INC.,)

Defendant.)

**2010-CV-02908
Hon. James R. Holderman
Susan R. Cox**

**PLAINTIFFS' MOTION TO INCREASE THE JUDGMENT IN
THE SUM CERTAIN**

Plaintiffs, by and through their attorneys, ARNOLD and KADJAN and L. STEVEN PLATT, move as follows:

1. This matter involves a suit for collection of unpaid fringe benefits in the form of health insurance benefits and pension benefits owed by the defendant to its employees under the collective bargaining agreements it signed with the local union local 701, from time to time,obligating it to make health insurance and pension contributions on behalf of its employees who were members of the local 701.

2. Under ERISA, regardless of whether the employees belonged to the union if they were like and similarly situated and doing the same kind of work the employer was obligated under federal law to offer the same benefits.

3. Defendant did not provide these benefits in violation of ERISA and in violation of its obligations under the union contracts to which it assented with the union as more fully set forth in the complaint filed in this action.

4. This court granted plaintiff's motion for a judgment in a sum certain on August 19, 2010 in the amount of \$88, 337 in unpaid fringe benefits which is what the funds believed they owed at the time of that motion.

5. However, since the time of the motion, the fund office has discovered that they actually owe more, that they owe \$80,952 in unpaid health insurance benefits including penalties and \$33,801 in unpaid pension benefits including penalties, which totals \$114,753. See Exh. A.

6. This amount is owed plus interest under ERISA pursuant to 29 U.S.C. § 1132(g).

7. Therefore, plaintiffs ask this court to amend the court's August 19th order and enter an order of judgment in the amount of \$ 114, 753 plus interest against the defendant.

WHEREFORE plaintiffs ask for the relief indicated above.

Respectfully submitted,

/s/: L. Steven Platt

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ARNOLD & KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415
lsplatt@arnoldandkadjan.com