

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

IRON WORKERS' MID-AMERICA)	
PENSION PLAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 10 C 3181
)	
GARZA MAINTENANCE AND)	JUDGE WAYNE R. ANDERSEN
CONSTRUCTION, LLC, an Indiana)	
limited liability company,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on July 26, 2010, request this Court enter judgment against Defendant, GARZA MAINTENANCE AND CONSTRUCTION, LLC, an Indiana limited liability company. In support of that Motion, Plaintiffs state:

1. On July 26, 2010, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for January 2010 and April 2010 forward. The Court also entered an order that judgment would be entered after Plaintiffs determine the amounts due and owing from Defendant.

2. On August 12, 2010, Defendant submitted its monthly fringe benefit contribution reports for January 2010 and March 2010 to Plaintiffs by facsimile. The contribution reports show that the Defendant is delinquent in contributions to the Funds in the amount of \$1,889.02. (See Affidavit of Joseph J. Burke)

3. Additionally, the amount of \$146.38 is due in liquidated damages for the contribution months of January 2010 and March 2010. (Burke Aff. Par. 5).

4. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of \$50.00 per month per fund per Local Union under which the contributions are obligated to be made for each delinquency or liquidated damages in the amount of 1 - 1 ½% per month on the whole amount of contributions remaining from time to time unpaid, whichever is greater, for the months of August 2006 through December 2009, in the amount of \$3,542.49.

5. In addition, Plaintiffs' firm has incurred costs of \$570.00 and \$911.25 in 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 \$7,059.14.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$7,059.14.

/s/ Beverly P. Alfon

Beverly P. Alfon
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6274459
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: balfon@baumsigman.com

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) 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 participant on or before the hour of 5:00 p.m. this 26th day of August 2010:

Mr. Richard Garza, Registered Agent
Garza Maintenance and Construction, LLC
2393 Four Seasons Parkway
Crown Point, IN 46307

/s/ Beverly P. Alfon _____

Beverly P. Alfon
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6274459
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: balfon@baumsigman.com

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