

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

CARPENTERS FRINGE BENEFIT)	
FUNDS OF ILLINOIS, <i>et al.</i> ,)	
)	CIVIL ACTION
Plaintiffs,)	
)	NO. 10 C 3588
vs.)	
)	JUDGE VIRGINIA M. KENDALL
APEX CUSTOM STAIR BUILDERS,)	
INCORPORATED, an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on August 24, 2010, request this Court enter judgment against Defendant, APEX CUSTOM STAIR BUILDERS, INCORPORATED, an Illinois corporation. In support of that Motion, Plaintiffs state:

1. On August 24, 2010, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to submit its monthly fringe benefit contribution reports for May 2010 through July 2010. The Court also entered an order that judgment would be entered after Plaintiffs received the reports and determined the amount due and owing from Defendant.

2. On September 8, 2010, pursuant to this Court's order, Defendant submitted monthly fringe benefit contribution reports to the Funds for May 2010 through July 2010, each indicating no contributions due for that period. Nonetheless, on contribution reports that Defendant submitted for the time period June 2009 through October 2009, January 2010 and February 2010, Defendant acknowledges contributions due to the Funds in the amount of \$10,276.31. (See Affidavit of Deborah L. French).

3. Additionally, the amount of \$1,027.63 is due for liquidated damages for the above-stated period of time. (French Aff. ¶ 4(b)).

4. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of one and one-half (1.5%) percent of the total contributions untimely received, compounded monthly at one and one-half (1.5%) percent, for the period accrued through August 31, 2010, in the total amount of \$919.51.

5. In addition, Plaintiffs' firm has expended the total amount of \$435.00 for costs and \$1,522.50 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 \$14,180.95.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$14,180.95.

/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

I:\Carps\Apex Custom Stair\motion-judgment.bpa.df.wpd

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 21st day of September 2010:

Illinois Lawdock, Inc., Registered Agent
Apex Custom Stair Builders, Incorporated
300 N. LaSalle Street, Suite 4000
Chicago, IL 60654

Mr. Christopher J. Enders, President
Apex Custom Stair Builders, Incorporated
1605 Division Street
Mendota, IL 61342

/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