

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

GRAPHIC COMMUNICATIONS)	
CONFERENCE OF THE)	
INTERNATIONAL BROTHERHOOD)	
OF TEAMSTERS NATIONAL)	
PENSION FUND; GEORGE TEDESCHI)	
and MALCOLM L. PRITZKER,)	
Trustees,)	
)	Civil Action No. 10 C 4206
Plaintiffs,)	
)	Judge Gettelman
v.)	
)	Magistrate Judge Cox
KESTLER GRAPHICS, INC.,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR DAMAGES

Plaintiffs, the Graphic Communications Conference of the International Brotherhood of Teamsters National Pension Fund, George Tedeschi, and Malcolm L. Pritzker, Trustees, request that the Court enter judgment for damages against defendant Kestler Graphics, Inc. (“Kestler”) in the total amount of \$11,632.34. In support of this motion, plaintiffs state:

1. On July 7, 2010, plaintiffs filed a lawsuit under the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, 29 U.S.C. §§1143 and 1132(g)(2), seeking unpaid contributions owed to the Graphic Communications Conference of the International Brotherhood of Teamsters National Pension Fund (the “Fund”) for the period beginning September 2009 through the present, plus amounts incurred thereafter based on the Company’s history of reporting amounts owed on behalf of employees covered by a collective bargaining agreement.

2. On October 13, 2010, the Court entered default judgment and set this matter for a prove up of amounts owed on November 3, 2010.

3. As described by the affidavit of James Thomos, employee of the Fund, defendant

Kestler Graphics, Inc., is responsible to remit contributions to the Fund based on the gross weekly wages earned by covered employees working in the bargaining unit as described by the collective bargaining agreement, which is attached to the Complaint as Exhibit 2. Full payment has not been made in satisfaction of amounts owed. (Affidavit, Exhibit A).

4. As established by the affidavit of the Funds' representative, James Thomos, contributions are owed in the principal amount of \$7,408.80, plus interest at a rate of prime plus one percent per annum or 8%, whichever is greater, and twenty percent liquidated damages, or the amount of \$329.28 in interest and the amount of \$1,481.76 in liquidated damages. In addition, the Company failed to pay \$220.00 in costs for the arbitration award of May 3, 2010.

5. Pursuant to ERISA, §1132(g)(2), reasonable attorneys' fees are owed by the delinquent employer for all work performed in the collection of unpaid contributions. The parties' collective bargaining agreement requires that the employer pay all fees for which the Trustees become legally bound to pay "including damages, interest, audit costs, filing fees and any other expenses incurred." Reasonable attorneys' fees and costs are established by an affidavit of Karen I. Engelhardt, plaintiffs' counsel, in the total amount of \$1,772.50, in attorney's fees (See, Affidavit of Karen I. Engelhardt, attached hereto as Exhibit B. Costs are owed in the amount of \$420.00, consisting of filing fees and service costs. (Exhibit B).

Wherefore, plaintiffs drafted a proposed judgment order for a total judgment against Kestler in the amount of \$ 11,632.34.

Respectfully submitted,

/s/ Karen I. Engelhardt

One of plaintiffs' attorneys

Wesley G. Kennedy
Karen I. Engelhardt
Allison, Slutsky & Kennedy, P.C.,
230 W. Monroe Street Suite 2600
Chicago, IL 60606
(312) 364-9400

October 27, 2010