

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

MASONRY INSTITUTE, BRICKLAYERS )  
LOCAL 21 PENSION FUND, BRICKLAYERS )  
LOCAL 21 OF ILLINOIS APPRENTICESHIP )  
AND TRAINING PROGRAM, AND BRICK- ) 1:10CV4890  
LAYERS AND STONE MASONS OF ILLI- )  
NOIS DISTRICT COUNCIL NO. 1 B.A.C. ) Judge Dow, Jr.  
ANNUITY TRUST FUND, )  
Plaintiffs, ) Magistrate Judge Keys  
v. )  
D T GALLAGHER GROUP, LLC, )  
Defendant. )

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,  
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on September 14, 2010, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instanter, and for entry of judgment against the Defendant.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

1) That pursuant to Settlement Agreement and Agreed Order of Dismissal, executed by the parties, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.

2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 1 thereof, the Defendant has failed to remit payments for the months of February and March 2012.

WHEREFORE, in accordance with the provisions of the Settlement Agreement, Exhibit "B", Plaintiffs pray that the Order of Dismissal be vacated *instanter*, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant in the amount of \$2,980.00, as and for the outstanding delinquencies and accrued interest calculated pursuant to the Judgment Order, which amount does not include the current delinquencies claimed due, if any.

That Plaintiffs also pray that judgment enter for Plaintiffs' attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Settlement Agreement.

/s/ Robert B. Greenberg  
Asher, Gittler & D'Alba, Ltd.  
200 West Jackson Boulevard, Suite 1900  
Chicago, Illinois 60606  
(312) 263-1500  
Fax: (312) 263-1520  
rbg@ulaw.com  
IL ARDC#: 01047558

Dated: March 13, 2012