

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

<b>LABORERS' PENSION FUND and</b>	)	
<b>LABORERS' WELFARE FUND OF THE</b>	)	
<b>HEALTH AND WELFARE DEPARTMENT</b>	)	
<b>OF THE CONSTRUCTION AND GENERAL</b>	)	
<b>LABORERS' DISTRICT COUNCIL OF</b>	)	
<b>CHICAGO AND VICINITY, and JAMES S.</b>	)	
<b>JORGENSEN, Administrator of the Funds,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No.: 11-cv-2132</b>
<b>v.</b>	)	
	)	<b>Judge St. Eve</b>
<b>MARTIN PRECAST SERVICES, INC., f/k/a</b>	)	
<b>STERLING GROUTING CO., an Illinois</b>	)	
<b>corporation,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION TO REINSTATE AND CONFESS JUDGMENT**

NOW COME Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity, and James S. Jorgensen, Administrator of the Funds (collectively "Funds"), by and through their attorney Patrick T. Wallace, and hereby move this Court to reinstate the case and order Defendant Martin Precast Services, Inc., f/k/a Sterling Grouting Co. ("Martin Precast") to comply with the outstanding Settlement Agreement. In support of this Motion, Plaintiffs state as follows:

1. This matter was dismissed on September 19, 2012 without prejudice and with leave to reinstate on or before December 31, 2012 pursuant to the terms of a Settlement Agreement and Stipulation to Dismiss filed by the parties. Defendant has complied with all terms of the Settlement Agreement except that the Company has not obtained and maintained a

surety bond in accordance with the terms of the collective bargaining agreement as required under Paragraph 2 of the Settlement Agreement and Stipulation to Dismiss.

2. The Company does have a Contract for Cash Bond but needs to fund the remaining balance of \$2,500.00 on the Contract for Cash Bond.

3. Accordingly, Plaintiffs respectfully request that the matter be reinstated and that Defendant Martin Precast be order to pay the sum of \$2,500.00 representing the balance due on the Contract for Cash Bond.

WHEREFORE, Plaintiffs respectfully request that the matter be reinstated and that Defendant Martin Precast be order to pay the sum of \$2,500.00 representing the balance due on the Contract for Cash Bond.

Respectfully submitted,

Laborers' Pension Fund, et al.

By: /s/ Patrick T. Wallace

December 18, 2012

Office of Fund Counsel  
111 W. Jackson Blvd., Suite 1415  
Chicago, IL 60604  
(312) 692-1540

**CERTIFICATE OF SERVICE**

The undersigned certifies that he caused a copy of the foregoing Motion to Reinstate and Confess Judgment to be served upon the following persons via the Court's electronic notification system this 18<sup>th</sup> day of December 2012.

Todd A. Miller  
Kathleen M. Cahill.  
Allocco, Miller & Cahill, P.C.  
3409 N. Paulina  
Chicago, IL 60657

/s/ Patrick T. Wallace