

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

TRUSTEES OF THE CEMENT MASONS	)	
PENSION FUND, LOCAL 803; TRUSTEES OF	)	
THE CEMENT MASONS INSTITUTE OF	)	
CHICAGO, ILLINOIS; TRUSTEES OF THE	)	
CEMENT MASONS SAVINGS FUND,	)	
LOCAL 803; and TRUSTEES OF THE	)	
CEMENT MASONS APPRENTICE	)	
EDUCATION AND TRAINING FUND,	)	
LOCAL 803,	)	No. 11 C 2806
	)	
Plaintiffs,	)	Judge Leinenweber
	)	
v.	)	Magistrate Judge Denlow
	)	
MOSLEY CONSTRUCTION, INC., an	)	
Illinois corporation,	)	
	)	
Defendant.	)	

**MOTION FOR ORDER OF DEFAULT AND JUDGMENT IN SUM CERTAIN**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ and ARNOLD AND KADJAN, pursuant to F.R.C.P. 55, respectfully request this Honorable Court to enter an Order of Default as to liability and Judgment in favor of Plaintiffs and against Defendant, MOSLEY CONSTRUCTION, INC.

In support thereof, Plaintiffs state:

1. This case was filed on April 28, 2011.
2. Defendant was served with Summons and Complaint on May 19, 2011.
3. In excess of 20 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
4. Per the affidavit of Richard Wolf, Defendant owes Cement Masons Local 803 for the audit period January 1, 2007 through October 31, 2010 for \$6,197.62 benefits, \$929.65 liquidated damages and \$680.00 audit costs for a total amount due of \$7,807.27. (Exhibit A)
5. Per the affidavit of Duane Exline, defendant owes for reports for November 2010

and December 2010 for \$3,526.98. (Exhibit B)

6. Per the affidavit of Donald Schwartz, attorney for Plaintiffs in legal fees and expenses \$1,300.00 has been incurred in this suit. (Exhibit C)

**WHEREFORE**, Plaintiffs pray for:

1. An Order of Default against the Defendant.

2. Judgment be rendered in the amount of \$12,634.25 for the Trustees of the Cement Masons Pension Fund Local 803, et. al.

Respectfully submitted,

**TRUSTEES OF THE CEMENT MASONS PENSION  
FUND, LOCAL 803, et. al.**

By: s/ Donald D. Schwartz  
One of their Attorneys

Donald D. Schwartz  
**ARNOLD AND KADJAN**  
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