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

V.)
DEPASQUALE STEEL ERECTORS, INC.,)
Defendant.)

Plaintiffs, by its Attorney, Michael J. McGuire, move this Court to enter Judgment by Default according to Rule 55 of the Federal Rules of Civil Procedure for Defendant's failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

- 1. Plaintiffs filed their complaint on June 17, 2011 and Defendant was personally served with a copy of the Complaint and Summons on June 22, 2011. (**Group Exhibit A**)
- 2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Federal Rules of Civil Procedure.
- 3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements, which created the Trust Funds.
- 4. Pursuant to the provisions of the Trust Agreements and Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay contributions based thereon.
- 5. This case was administratively dismissed without prejudice by this Honorable Court on June 20, 2011. The Defendant has failed to comply with the terms of this court's order and Plaintiffs wish to pursue final judgment.

6. The Defendant failed to submit \$32,397.42 in contributions for the time period of

February, March, April and May 2011. (Exhibit B)

7. By failing to pay the contributions due to the trust fund in a timely manner, the Defendant

owes liquidated damages and interest. At the present time, the Defendant owes interest in the

amount of \$1,781.86 and liquidated damages in the amount of \$3,239.74. (Exhibit B)

8. The Defendant owes the sum of \$2,105.00 for necessary and reasonable attorneys' fees

and costs which are collectable under the terms of the Collective Bargaining Agreements, Trust

Agreements, and Federal law. (Exhibit C)

WHEREFORE, Plaintiffs move for Judgment by Default in the amount of \$39,524.02.

By: /s/ Michael J. McGuire
Michael J. McGuire

Michael J. McGuire ARDC#: 6290180 Attorney for Plaintiffs 2 North LaSalle Street, Suite 1650 Chicago, IL 60602

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