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

TRUSTEES OF THE CEMENT MASONS	)	
PENSION FUND, LOCAL 502; TRUSTEES	)	
OF THE CEMENT MASONS INSTITUTE OF	)	
CHICAGO, ILLINOIS; TRUSTEES OF THE	)	
CEMENT MASONS SAVINGS FUND, LOCAL	)	
502; and TRUSTEES OF THE CEMENT MASON	JS)	
APPRENTICE EDUCATION AND TRAINING	)	
FUND, LOCAL 502,	)	
	)	
Plaintiffs	)	
	)	No. 11 C 5839
V.	)	
	)	Judge Norgle
FITZPATRICK CEMENT, INC., AN ILLINOIS	)	
CORPORATION,	)	Magistrate Judge Denlow
	)	
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, FITZPATRICK CEMENT, INC.

In support thereof, Plaintiffs state:

- 1. This case was filed on August 24, 2011.
- 2. Defendant was served with Summons and Complaint on August 24, 2011.
- 3. In excess of 21 days have expired since Service of Process, however, Defendant has failed to file an answer or otherwise plead.
- 4. Per the affidavit of Bill Beeman, Defendant owes for the report for November 2010 \$4,362.24 benefits and \$654.33 liquidated damages for a total amount due of \$5,016.57. (Exhibit

A)

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 B)

## WHEREFORE, Plaintiffs pray for:

- 1. An Order of Default against the Defendant.
- 2. Judgment be rendered in the amount of \$6,316.57 for the Trustees of the Cement Masons Pension Fund Local 502, et. al.

Respectfully submitted,

TRUSTEES OF THE CEMENT MASONS PENSION FUND, LOCAL 502, et. al.

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

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