

125248.0308Lit-5167

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

JAMES T. SULLIVAN, etc., et al.,)	
)	
)	No. 11 C 6898
)	
v.)	Judge Guzman
)	
D & D PLUMBING & HEATING, INC.,)	Magistrate Judge Finnegan
an Illinois corporation,)	
)	
)	
Defendants.)	

MOTION FOR ENTRY OF
AGREED JUDGMENT

NOW COME Plaintiffs, JAMES T. SULLIVAN, etc., et al., by their attorneys,
DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, and BRIAN T. BEDINGHAUS, with
ROETZEL & ANDRESS, LPA, of counsel, and, move the Court to enter an Agreed Judgment Order.

In support hereof, Plaintiffs state:

1. Plaintiffs initiated this action to collect all unpaid contributions and other damages owed by Defendant pursuant to the terms of a collective bargaining agreement, ERISA, 29 U.S.C. §1132, and LMRA, 29 U.S.C. §185.
2. Defendant was served with the Summons and Complaint on October 10, 2011.
3. Pursuant to Fed. R. Civ. P. 12(a)(1), Defendant was required to answer the Complaint by October 31, 2011.
4. Defendant has neither filed an appearance nor responded to the Complaint and is in default.
5. Defendant’s president, David M. Jackson, contacted Plaintiffs’ attorneys and agreed

to entry of an Agreed Judgment in favor of Plaintiffs and against Defendant in the amount of \$3,135.38.

6. Jackson delayed in returning the signed Agreed Judgment, causing Plaintiffs to file a Motion for Entry of Default Judgment (Docket No. 9), which is scheduled to be presented on Thursday, December 8, 2011, at 9:30 AM.

7. After Plaintiffs filed their Motion for Entry of Default Judgment, Defendant returned the signed Agreed Judgment attached hereto as Exhibit A.

8. Plaintiffs desire to withdraw their Motion for Entry of Default Judgment (Docket No. 9) and request that the Court enter the Agreed Judgment attached hereto as Exhibit A.

WHEREFORE, Plaintiffs, JAMES T. SULLIVAN, etc., et al., request that the Court enter an Agreed Judgment in the form attached hereto as Exhibit A.

JAMES T. SULLIVAN, etc., et al., by their
attorneys, DOUGLAS A. LINDSAY, JOHN
W. LOSEMAN, and BRIAN T.
BEDINGHAUS

By: /s/ Brian T. Bedinghaus
Brian T. Bedinghaus
20 N. Clark Street, Suite 3200
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312.580.1269

Of Counsel:
ROETZEL & ANDRESS, LPA
20 N. Clark Street
Suite 3200
Chicago, IL 60602
312.580.1200

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing MOTION FOR ENTRY OF AGREED JUDGMENT on the following person(s):

David W. Jackson
6818 W. Hobart Ave.
Chicago, IL 60631
773.576.7580

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with proper first class postage prepaid, and deposited with the U.S. Postal Service at 20 N. Clark Street, Chicago, IL on November 29, 2011.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Brian T. Bedinghaus
Brian T. Bedinghaus

Of Counsel:
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