

TEAMSTERS LOCAL UNION NO. 727)
HEALTH AND WELFARE FUND,)
TEAMSTERS LOCAL UNION NO. 727)
PENSION FUND and TEAMSTERS) 1:11CV8744
LOCAL UNION NO. 727 LEGAL AND)
EDUCATIONAL ASSISTANCE FUND,) Judge Tharp
)
Plaintiffs,) Magistrate Judge Valdez
v.)
)
METROPOLITAN 1, LLC,)
)
Defendant.)

NOW COME the Plaintiffs and moves this Honorable Court to vacate Order of Dismissal entered on July 11, 2012, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instanter, and for entry of judgment against the Defendant.

1) That pursuant to Settlement Agreement executed by the parties, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.

2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraph 1 thereof, the Defendant has failed to remit payments for the months of July and August, 2012.

WHEREFORE, in accordance with the provisions of the Settlement Agreement, Exhibit "B", Plaintiffs pray that the Order of Dismissal be vacated instant, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant in the amount of \$108,824.64, as and for the outstanding delinquencies and accrued interest calculated pursuant to the Settlement Agreement, and current delinquencies claimed due, as supported by Affidavit of Fund Manager.

That Plaintiffs also pray that judgment enter for Plaintiffs' attorneys' fees and costs incurred as a result of the Defendant's non-compliance with the provisions of the parties' Settlement Agreement.

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Dated: September 7, 2012