

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

MIKE SHALES, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
v.)	NO. 11 C 8921
)	
PETRO PAVING COMPANY, INC.,)	JUDGE EDMOND E. CHANG
an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on May 9, 2012, request this Court enter judgment against Defendant, PETRO PAVING COMPANY, INC., an Illinois corporation. In support of that Motion, Plaintiffs state:

1. On May 9, 2012, this Court entered default against Defendant and granted Plaintiffs' request for an order directing an audit of the Defendant's payroll books and records. The Court also entered an order that judgment would be entered after the completion of the audit.

2. Plaintiffs' auditors performed the audit of Defendant's payroll books and records on October 28, 2011, March 29, 2012 and July 13, 2012. The audit findings show that the Defendant is delinquent in contributions to the Funds in the amount of \$215,321.61. (See Affidavit of Patricia M. Shales).

3. Additionally, the amount of \$43,064.32 is due for liquidated damages and the amount of \$363,688.90 is due for compounded interest. (Shales Aff. Par. 6, 7). Plaintiffs' auditing firm of

Howard Levinson & Associates charged Plaintiffs \$2,759.12 to perform the audit examination and complete the report (Shales Aff. Par. 8).

4. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant for the contribution months of August 2010 and September 2010 in the amount of ten (10%) percent of the total contributions untimely received, compounded monthly at two (2%) percent, for the period accrued through July 31, 2012, in the total amount of \$352.95 (Shales Aff. Par. 9).

5. In addition, Plaintiffs' firm has expended the amount of \$520.00 in costs and \$9,747.00 in attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$635,453.90.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$635,453.90.

/s/ Catherine M. Chapman

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 13th day of December 2012:

Mr. William Straumann, President
Petro Paving Company, Inc.
471 White Oak Drive
Cary, IL 60073

/s/ Catherine M. Chapman

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