

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

TRUSTEES OF THE SUBURBAN TEAMSTERS )	)	
OF NORTHERN ILLINOIS WELFARE AND )	)	
PENSION FUNDS, )	)	
	)	
Plaintiffs, )	)	
	)	No. 2012 C 1196
v. )	)	
	)	Judge John Lee
NORTHWEST BUILDING MATERIAL )	)	
OF ILLINOIS, INC., an Illinois corporation and )	)	Magistrate Judge Cole
KATHERINE M. HENRY, Individually, )	)	
	)	
Defendants. )	)	

**MOTION FOR JUDGMENT IN SUM CERTAIN ON COUNT III**

NOW COME the Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS, by and through their attorneys, JOHN J. TOOMEY, and ARNOLD AND KADJAN, and, pursuant to FRCP 55, move for entry of judgment on damages. Liability was ruled upon on May 3, 2012 as to Count III of the Complaint. In support of their Motion, Plaintiffs state as follows:

1. Pursuant to the May 3, 2012 Minute Order this case was scheduled for status and prove-up as to damages at a subsequent date.
2. Pursuant to the attached Affidavit of Richard Siebert and the underlying supporting documents which have been previously reviewed by Defendant’s counsel, the amounts due on the defaulted Pension Fund installment note is \$20,888.40 and defaulted Welfare Fund installment note is \$12,274.10 for a total judgment due of \$33,162.50.
3. Pursuant to the terms of the defaulted installment notes “reasonable costs of collection including reasonable attorneys fees” are to be recovered as part of such judgment. This is consistent with ERISA 29 U.S.C. 1132(g)(2) allowing for recovery of attorneys fees and costs.

5. As supported by the attached Affidavits, the sums due on the Complaint

are:

\$20,888.40 Pension installment note  
\$12,274.10 Welfare installment note  
\$925.00 Attorneys fees  
\$475.00 Court costs  
\$34,562.50

WHEREFORE, Plaintiffs pray for the entry of judgment in a sum certain on Count III of the Complaint against the individual co-maker of the ERISA installment notes:

- A. Awarding judgment in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS against the Defendant, KATHERINE M. HENRY, Individually in the amount of \$34,562.50.
- B. This constitutes a final Order of Judgment. There is no just reason to delay enforcement.

TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

s/John J. Toomey  
ARNOLD AND KADJAN  
203 N. LaSalle Street, Suite 1650  
Chicago, IL 60601  
Telephone No.: (312) 236-0415  
Facsimile No.: (312) 341-0438  
Dated: June 19, 2012