

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

CARPENTERS PENSION FUND OF)
ILLINOIS, et al.,)

Plaintiffs,)

vs.)

CIVIL ACTION

DAVID KURTZ, individually and d/b/a)
LANGELAND CONSTRUCTION CO.,)
a/k/a W.C. LANGELAND & CO., INC.,)

NO. 12 C 3776

JUDGE EDMOND E. CHANG

KIMBERLY KURTZ, individually and)
d/b/a LANGELAND CONSTRUCTION)
CO., a/k/a W.C. LANGELAND & CO.,)
INC.,)

Defendants.)

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendants on August 23, 2012, request this Court enter judgment against Defendants, DAVID KURTZ, individually and d/b/a LANGELAND CONSTRUCTION CO., a/k/a W.C. LANGELAND & CO., INC. and KIMBERLY KURTZ, individually and d/b/a LANGELAND CONSTRUCTION CO., a/k/a W.C. LANGELAND & CO., INC. In support of that Motion, Plaintiffs state:

1. On August 23, 2012, this Court entered default against Defendants and granted Plaintiffs' request for an order directing an audit of the Defendants' payroll books and records. The Court also entered an order that judgment would be entered after the completion of the audit.

2. Plaintiffs' auditors completed that audit and issued a report indicating that the Defendants are delinquent in contributions and liquidated damages to the Funds in the amount of

\$51,028.21, covering the period January 2010 through September 2012. (See Affidavit of Deborah L. French, ¶¶ 4, 5).

3. Plaintiffs' auditing firm of Bansley and Kiener, LLP charged Plaintiffs \$1,728.24 to perform the audit examination and complete the report, which amount the Plaintiffs are entitled to recover from Defendants (French Aff. ¶ 6).

4. Defendants further owe Plaintiffs the principal amount of \$277,371.22, plus interest at the rate of 1.5% per month, based on their breach of a promissory note executed by Defendants in favor of Plaintiffs (French Aff. ¶ 3).

5. In addition, Plaintiffs' firm has expended the amount of \$450.00 in costs and \$3,677.00 in attorneys' fees in this matter, which amounts Plaintiffs are entitled to recover from Defendants. (See Affidavit of Catherine M. Chapman).

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$334,254.67.

/s/ Patrick N. Ryan

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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, and by e-mail, to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 13th day of December 2012:

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