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

SOUTHWEST AREAS PENSION FUND; and ARTHUR H. BUNTE, JR., as Trustee,)))
Plaintiffs,) Case No. 12 C 3981
V.)
BALES, INC., a Michigan corporation, f/k/a Bales Trucking, Inc.; H.M. BALES, LLC, a Michigan limited liability company, d/b/a Bales Excavating; C & H BALES, CO., LLC, a Michigan limited liability company, f/k/a S.E. Griffith, LLC,	Honorable Robert W. GettlemanDistrict Judge))))))))))
Defendants.	,)

PLAINTIFFS' MOTION FOR ENTRY OF CONSENT JUDGMENT

NOW COME Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Arthur H. Bunte, Jr., as Trustee, by and through their undersigned counsel, and hereby move the Court to enter a consent judgment in favor of Plaintiffs and against Defendants, Bales, Inc., f/k/a Bales Trucking, Inc., H.M. Bales, LLC, d/b/a Bales Excavating, and C & H Bales, Co., LLC, f/k/a S.E. Griffith, LLC (the "Defendants"). In support of thereof, Plaintiffs state as follows:

- 1. Plaintiffs filed this action to collect withdrawal liability from Defendants under the Employee Retirement Income Security Act of 1974 ("ERISA") as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. § 1001 et seq.
- 2. Plaintiffs and Defendants have agreed to the entry of a consent judgment against Defendants and in favor of Plaintiffs.

3. In light of the foregoing, Plaintiffs request that this Court enter a consent judgment against Defendants.

4. Prior to the filing of this motion, Plaintiffs' counsel, Anthony E. Napoli,

contacted Defendants' counsel, Frederick Lucas. Mr. Lucas stated that he agreed to the

granting of this motion.

5. A copy of the proposed Consent Judgment is attached hereto as Exhibit A

for the Court's review and will also be submitted electronically to the Court's e-mail address

for proposed orders.

WHEREFORE, Plaintiffs respectfully request that the Court enter the Consent

Judgment attached hereto as Exhibit A.

Respectfully submitted,

/s/Anthony E. Napoli

Anthony E. Napoli

Attorney for Central States, Southeast and Southwest Areas Pension Fund 9377 W. Higgins Road, 10th Floor Rosemont, Illinois 60018-4938

(847) 518-9800, Ext. 3702

ARDC # 06210910

tnapoli@centralstatesfunds.org

September 27, 2012