

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

FREEBORN & PETERS LLP, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF ILLINOIS, DEPARTMENT OF )  
 REVENUE; BRIAN HAMER, in his official )  
 Capacity as the Director of the Illinois Department )  
 of Revenue; UNITED STATES OF AMERICA, )  
 INTERNAL REVENUE SERVICE; )  
 and JERLENE L. BICKART, an individual, )  
 )  
 Defendants. )

Case No: 13-CV-00163

Honorable Virginia M. Kendall

**AGREED MOTION FOR ENTRY  
OF A FINAL JUDGMENT ORDER**

NOW COMES Plaintiff, Freeborn & Peters LLP (“Plaintiff”), and hereby brings its Agreed Motion for Entry of a Final Judgment. In support of this Motion, Plaintiff states as follows:

1. Plaintiff filed this Interpleader action on January 9, 2013. Plaintiff is seeking an order from the Court determining which of the defendants is entitled to (i) certain funds currently held in a certain employee Retirement Plan account set up for employees of Plaintiff’s law firm; and (ii) certain salary withholdings held by Plaintiff pursuant to state and federal tax levies. Plaintiff is also seeking an injunction against Defendants which would enjoin those Defendants from instituting any action against Freeborn & Peters and the Freeborn & Peters Retirement Plan regarding the distribution of the funds to the rightful party.

2. On March 11, 2013, this Court took jurisdiction over this matter (*see* Dkt. # 16) and upon an agreement of the parties, dismissed Defendant STATE OF ILLINOIS, DEPARTMENT OF REVENUE and BRIAN HAMER, from this case. (*See* Dkt. # 17.)

3. The following two Defendants remained in the case: United States of America, Internal Revenue Service (“IRS”) and Jerlene L. Bickart.

4. Upon a Motion for Default Judgment filed by the United States (*see* Dkt. # 34), on May 13, 2013 the Court entered judgment against Jerlene Bickart and ordered that she shall take nothing from the interpled funds. (*See* Dkt. # 38.)

5. Thus, the only remaining Defendant with any recognizable interest in the funds in dispute is the United States. Given that there are no longer any competing claims among and between the Defendants to this action, the Court should enter a final judgment in this case ordering Plaintiff to liquidate Ms. Bickart’s retirement account and turn over the proceeds of the retirement account – and the salary withholding discussed in the Complaint – to the United States pursuant to its levy.

6. Accordingly, the remaining parties request that the Court enter the attached Final Judgment Order. (*See* Exhibit A, Final Judgment Order.)

7. Finally, the undersigned counsel has spoken to Karen Smith, counsel of record for the United States on this case, and she agrees to entry of the attached Final Judgment Order. (*See* Exhibit B, Email from Karen Smith.)

WHEREFORE, Plaintiff requests that this Court:

- (A) enter the attached Final Judgment Order;
- (B) dismiss this case with prejudice;
- (C) grant any other relief this Court deems just.

**FREEBORN & PETERS LLP**

By: /s/ Terrence J. Sheahan  
One of Its Attorneys

Terrence J. Sheahan  
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*Attorneys for Plaintiff*

Dated: July 16, 2013

2900316v1/09803-0001

**CERTIFICATE OF SERVICE**

I, Terrence J. Sheahan, an attorney, certify under the penalties as provided by 735 ILCS 5/1-109 that on this 16<sup>th</sup> st day of July, 2013, I served a copy of this Notice of Motion along with the referenced materials on all parties listed, via the United States District Court, Northern District of Illinois, Eastern Division, ECF filing system and via U.S. Mail, postage prepaid from 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606 before the hour of 5 p.m.

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Assistant Attorney General Faith Dolgin,  
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United States Attorney's Office  
Civil Division  
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Jerlene Bickart  
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Calumet City, IL 60409

Dated: July 16, 2013

By: /s/ Terrence J. Sheahan