

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

TERRENCE J. HANCOCK, TIMOTHY P. DUNLAP,
JOHN LISNER, STEVE VOGRIN, THOMAS
YONKER, and LARRY GROOT as Trustees of the
LOCAL No. 731, I.B. of T., PRIVATE SCAVENGERS
HEALTH and WELFARE FUND,

and

TERRENCE J. HANCOCK, JOHN LISNER,
TIMOTHY P. DUNLAP, MICHAEL RICHARDSON,
STEVE VOGRIN, and THOMAS J. YONKER
as TRUSTEES of the LOCAL No. 731, I. B. of T.,
PRIVATE SCAVENGERS and GARAGE
ATTENDANTS PENSION TRUST FUND,

Plaintiffs,

v.

UNION RECYCLING & WASTE SERVICES, INC.,
ARMOR RECYCLING, INC., AND ARMOR
RECYCLING OF INDIANA, INC.,

Defendants.

Case No. 13-cv-2032

Judge Rebecca R. Pallmeyer

Magistrate Judge Maria Valdez

PLAINTIFFS' MOTION FOR SUPPLEMENTAL JUDGMENT

Plaintiffs Terrence J. Hancock, Timothy P. Dunlap, John Lisner, Dale Bolt, Brad Webb, James Buik, Michael I. Richardson, and Edward DeNormandie as Trustees of Local No. 731, I.B. of T., Garage Attendants, Linen and Laundry Health and Welfare Fund and Terrence J. Hancock, John Lisner, Timothy P. Dunlap, Michael I. Richardson, Steve Vogrin, and Thomas J. Yonker as Trustees of Local No. 731, I.B. of T., Private Scavengers and Garage Attendants Pension Trust Fund (collectively, "Funds"), through their attorneys Dowd, Bloch & Bennett, respectfully move this Court for a supplemental judgment. In support of the motion, the Funds state as follows:

1. This is an action to collect delinquent contributions, plus related interest, liquidated damages, and attorneys' fees, that Union Recycling & Waste Services, Inc. ("Union Recycling") failed to remit to the Funds, in violation of 29 U.S.C. § 1145 and 29 U.S.C. § 185.

2. On May 23, 2013, the Court entered a default judgment against Union Recycling and Armor Recycling, Inc., jointly and severally, in the amount of \$74,193.42. Final Judm. Or. [Doc. No. 19].

3. On September 12, 2013, the Court entered an order that also holds Armor Recycling of Indiana, Inc. jointly and severally liable for the \$74,193.42 judgment *nunc pro tunc* May 23, 2013. Final Judm. Or. [Doc. No. 38].

4. The judgment against the Defendants included the attorneys' fees and costs incurred by the Funds as of May 15, 2013, which totaled \$3,859.63. Final Judgm. Or.

5. The Funds have now incurred a total of \$22,438.35 in attorneys' fees and costs as a result of the delinquency that is the subject matter of this litigation. Supp. Aff. Barr, a copy of which is attached hereto as Exhibit A.

6. Thus, the Funds have incurred an additional \$18,578.72 in attorneys' fees and costs that were not included in the judgment entered against the Defendants.

7. The Funds incurred those additional attorneys' fees and costs enforcing their judgment against the Defendants, which did not cooperate with the Funds' collections efforts and did not voluntarily remit any payments to the Funds to satisfy the judgment.

8. Specifically, the Funds' efforts to enforce the judgment have included three motions for turnover, the motion for a judgment against Armor Recycling of Indiana, Inc., a motion for a rule to show cause against the Defendants' owner for violating citations to discover

assets, litigation over which creditor was entitled to Clune Construction Company's accounts payable to Union Recycling, and three citation examinations. Supp. Aff. Barr ¶ 8.

9. Pursuant to 29 U.S.C. § 1132(g)(2), the Funds are entitled to the "reasonable attorney's fees and costs of [an] action" to collect delinquent contributions; the attorneys' fees and costs that the Funds incurred enforcing their judgment directly resulted from this action and the Funds are therefore entitled to those additional fees and costs under 29 U.S.C. § 1132(g)(2).

WHEREFORE, the Funds respectfully move this Court to enter a supplemental judgment order for \$18,578.72 in attorneys' fees and costs, in the form of the proposed order submitted to the Court.

Respectfully submitted,

/s/ Jeremy M. Barr

Jeremy M. Barr

Attorney for the Plaintiff

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