

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

BOARD OF TRUSTEES of the PIPE FITTERS	)	
RETIREMENT FUND, LOCAL 597;	)	
BOARD OF TRUSTEES of the PIPE FITTERS	)	CIVIL ACTION
WELFARE FUND, LOCAL 597;	)	
BOARD OF TRUSTEES of the PIPE FITTERS	)	
TRAINING FUND, LOCAL 597; the	)	NO.: 13-CV-5567
BOARD OF TRUSTEES of the CHICAGO AREA	)	
MECHANICAL CONTRACTING INDUSTRY	)	
IMPROVEMENT TRUST;	)	JUDGE: DURKIN
THE PIPE FITTERS' ASSOCIATION,	)	
LOCAL 597 U.A.; BOARD OF TRUSTEES	)	
of the PIPE FITTERS' INDIVIDUAL	)	MAGISTRATE
ACCOUNT and 401(K) PLAN; and	)	JUDGE: VALDEZ
BOARD OF TRUSTEES of the PIPE FITTING	)	
COUNCIL OF GREATER CHICAGO,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
PEMCO SERVICE COMPANY, an Illinois	)	
Corporation,	)	
	)	
Defendant.	)	

**MOTION FOR FINAL JUDGMENT IN SUM CERTAIN**

Now come Plaintiffs, the BOARD OF TRUSTEES of the PIPE FITTERS RETIREMENT FUND, LOCAL 597, *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and move this Honorable Court for entry of Final Judgment in favor of Plaintiffs and against Defendant PEMCO SERVICE COMPANY (“PEMCO”) and in support thereof, state as follows:

1. On August 5, 2013, Plaintiffs filed their Complaint in the above-captioned matter.
2. On September 9, 2013, this Honorable Court entered a Default Judgment Order against the Defendant PEMCO. (Docket No. 13).

3. Pursuant to the Default Judgment Order, the Defendant PEMCO was ordered to “turnover all outstanding contribution reports for the months of June, July and August 2013 to the Plaintiffs’ counsel,” which it did. (Docket No. 13).
4. Pursuant to the Default Judgment Order, the Plaintiffs were granted leave to “petition this Court upon receipt of the outstanding contribution reports for entry of a final judgment in sum certain to include all known unpaid contributions, liquidated damages, interest and attorney’s fees and costs pursuant to the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Docket No. 13).
5. Based on the reports submitted by the Defendant PEMCO, the Defendant PEMCO owes additional contributions in the amount of \$5,245.20, liquidated damages in the amount of \$1,206.91 and interest charges in the amount of \$43.25 for June, July and August 2013. (Affidavit of Michael Maloney is attached as Exhibit 1).
6. Defendant PEMCO is required to pay the Plaintiffs’ reasonable attorney’s fees and costs pursuant to the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(D).
7. To date, Plaintiffs have incurred \$3,018.50 in attorney’s fees and costs. (Affidavit of Jeffrey Krol is attached as Exhibit 2).

**WHEREFORE, Plaintiffs request the following:**

- A. That a Final Judgment be entered in favor of Plaintiffs and against Defendant PEMCO in the aggregate amount of \$241,035.57, which is itemized as follows:
  1. \$189,641.34 in unpaid contributions and wage work assessment that are due and owing for the period of January 1, 2009 through June 30, 2012;

2. \$18,748.21 in unpaid interest through May 31, 2013;
  3. \$23,132.16 in unpaid liquidated damages through May 31, 2013;
  4. \$5,245.20 in unpaid contributions for the month of August 2013;
  5. \$1,206.91 in liquidated damages owed during the period of June 1, 2013 through August 30, 2013;
  6. \$43.25 in interest charges owed during the period of June 1, 2013 through August 30, 2013; and
  7. \$3,018.50 in attorney's fees and costs.
- B. That Plaintiffs have such other and further relief as the Court may deem just and equitable all at the Defendant's cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

Respectfully submitted,

**BOARD OF TRUSTEES of the PIPE  
FITTERS RETIREMENT FUND,  
LOCAL 597 *et al.***

/s/ Jeffrey A. Krol – 6300262

One of Plaintiffs' Attorneys

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