

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

**LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)**

Plaintiffs,)

v.)

**R & W CLARK CONSTRUCTION, INC., and)
RICHARD W. CLARK, doing business as R &)
W Clark Construction, Inc.,)**

Defendants.)

Case No. 14 C 5558

Honorable Rebecca R. Pallmeyer

AGREED JUDGMENT ORDER

This matter coming to be heard on the motion of Plaintiffs, the Laborers' Pension Fund and the Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds (collectively the "Laborers' Funds") for agreed entry of a judgment.

IT IS HEREBY ORDERED:

1. That the Clerk of the Court shall enter judgment in the amount of \$32,521.83 against the Defendants, R & W Clark Construction, Inc., and Richard W. Clark (collectively herein referred to as "Clark" or as "Defendants"), and on behalf of the Laborers' Funds. The total judgment amount of \$32,521.83 consists of the following:

Pursuant to the Audited Period Covering August 1, 2012 through September 30, 2014

Principal Contributions.	\$7,926.04
Union Dues.	\$418.66
Liquidated Damages.	\$1,617.92
Accumulated Penalty.	\$6,788.92
Accumulated Interest	\$452.54

Attorneys' fees and Costs from the Lawsuit and the Collection of Clark's Ongoing Payments Pursuant to Clark's Monthly Reports from July 1, 2014 through April 30, 2015

Audit Costs.	\$3,657.00
Attorneys' fees.	\$11,060.75
Court Costs.	\$600.00

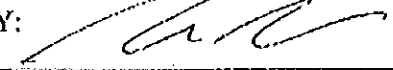
2. Clark agrees and this Court orders Defendants are directed to comply with their obligations to the Plaintiffs under ERISA and under the applicable Collective Bargaining Agreement and Trust Agreements. Obligations include filing monthly reports, which accurately reflect the covered work performed within the jurisdiction of the labor agreement and remitting timely contributions to the Laborers' Funds, as well as remitting its covered workers' Union dues with accurate monthly reports.
3. Clark agrees and this Court orders that Defendants obtain and maintain a surety bond in the amount required by the Union to guarantee the payment of wages, pension and welfare contributions as required by Article IX of the Collective Bargaining Agreement. It is further ordered that, within 60 days of the date of this judgment order, Defendant shall provide written proof that it has obtained such a surety bond to Plaintiffs' counsel, Sara S. Schumann, of Allison, Slutsky & Kennedy, P.C., 230 West Monroe Street, Suite 2600, Chicago, IL 60605.
4. Should the Laborers' Funds direct Clark to undergo an audit review for the time period from October 1, 2014 through the date of the dismissal of this case, the Laborers' Funds will be entitled to a separate judgment in another collection case for all unpaid contributions owed as disclosed by

that audit report and this litigation will not bar the Funds from collection for that period.

5. This Court retains jurisdiction to enforce the terms of this Judgment Order.

BY: 
On behalf of the Funds

DATE: 5/6/15

BY: 
On behalf of R&W Clark Construction, Inc.,
and Richard W. Clark

DATE: 5/6/15

ENTERED

U.S. DISTRICT COURT

DATE: _____