

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

**RICHARD J. CLARSON as Administrator of LOCAL )  
No. 731, I.B. of T., PRIVATE SCAVENGERS )  
HEALTH and WELFARE FUND and LOCAL )  
No. 731, I.B. of T., PRIVATE SCAVENGERS and )  
GARAGE ATTENDANTS PENSION TRUST FUND, )**

**LOCAL No. 731, I.B. of T., PRIVATE SCAVENGERS )  
HEALTH and WELFARE FUND, )**

**Case No. 14-cv-09592**

**and )**

**LOCAL No. 731, I.B. of T., PRIVATE )  
SCAVENGERS and GARAGE ATTENDANTS )  
PENSION TRUST FUND, )**

**Judge Milton I. Shadur**

**Plaintiffs, )**

**v. )**

**UNION RECYCLING & WASTE SERVICES, INC., )  
ARMOR RECYCLING, INC., ARMOR )  
RECYCLING OF INDIANA, INC., and KEVIN )  
RACZKOWSKI, individually and doing business as )  
UNION RECYCLING & WASTE SERVICES, INC. )**

**Defendants. )**

**PLAINTIFFS’ MOTION FOR SUPPLEMENTAL JUDGMENT**

Plaintiffs Local No. 731, I.B. of T., Private Scavengers Health and Welfare Fund (“Welfare Fund”), Local No. 731, I.B. of T., Private Scavengers and Garage Attendants Pension Trust Fund (“Pension Fund”) (collectively, “Funds”), and their Administrator, Richard J. Clarson, by and through their attorneys Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich, hereby 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 April 3, 2015, the Court entered a default judgment against Union Recycling, Armor Recycling, Inc., Armor Recycling of Indiana, Inc., and Kevin Raczkowski, individually, (collectively, "Defendants"), jointly and severally, in the amount of \$131,660.59. Final Judm. Or. [Dkt. No. 23].

3. The judgment against Defendants included the attorneys' fees and costs incurred by the Funds as of March 6, 2015, which totaled \$11,308.60.

4. The Funds have now incurred a total of \$43,056.59 in attorneys' fees and costs as a result of the delinquency that is the subject matter of this litigation. Supp. Aff. Rowe, attached hereto as Exhibit A, ¶¶ 5,6, 9-12.

5. Thus, the Funds have incurred an additional \$31,747.99 since March 4, 2015 that were not included in the judgment entered against Defendants.

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

7. Specifically, the Funds' efforts to enforce the judgment have included citations to discover assets to the Defendants, a citation deposition of the Defendants, third-party citations to discover assets to 45 entities, 5 motions for turnover orders, and communications with the Defendants. Supp. Aff. Rowe ¶ 8.

8. The Funds anticipate incurring an additional 675.00 in attorneys' fees related to this case after the date of this motion. Supp. Aff. Rowe ¶¶ 13-14.

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 \$32,422.99 in attorneys’ fees and costs, in the form of the proposed order submitted to the Court.

Respectfully submitted,

/s/ Elizabeth L. Rowe  
Elizabeth L. Rowe  
Attorney for the Plaintiff

Jeremy M. Barr (ARDC# 6299047)  
Elizabeth L. Rowe (ARDC #6316967)  
DOWD, BLOCH, BENNETT, CERVONE,  
AUERBACH & YOKICH  
8 South Michigan Avenue, 19th Floor  
Chicago, Illinois 60603  
(312) 372-1361