

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

LOCAL NO. 1 S.E.I.U. PENSION TRUST FUND)	
and LOCAL NO. 1 S.E.I.U. HEALTH FUND,)	
)	
Plaintiffs,)	1:15-CV-6554
)	
v.)	Judge Shah
)	
SUNSET MEMORIAL LAWNS,)	Magistrate Judge Cole
)	
Defendant.)	

**MOTION TO VACATE ORDER OF DISMISSAL, TO REINSTATE ACTION,
AND FOR ENTRY OF JUDGMENT**

NOW COME the Plaintiffs and move this Honorable Court to vacate Order of Dismissal entered on March 17, 2016, a copy of which is attached hereto as Plaintiffs' Exhibit "A", and to reinstate Plaintiffs' cause of action instant, and for entry of judgment against the Defendant.

In support of Plaintiffs' Motion, Plaintiffs state as follows:

1) That pursuant to Settlement Agreement and Agreed Order of Dismissal, executed by the parties, a copy of which is attached hereto as Plaintiffs' Exhibit "B", the parties agreed to a dismissal of the pending action.

2) That notwithstanding the provisions of the Settlement Agreement, specifically paragraphs 2 and 3 thereof, the Defendant has failed to remit payments for the month of April 2017, and for current contributions for the month of March 2017.

WHEREFORE, in accordance with the provisions of the Agreed Order of Dismissal, Exhibit "A", Plaintiffs pray that the Order of Dismissal be vacated instant, Plaintiffs' cause of action be reinstated, and that judgment enter in favor of Plaintiffs and against the Defendant. Larry Levin, in the amount of \$47,669.86, as and for the outstanding delinquencies.

/s/ Robert B. Greenberg
Asher, Gittler & D'Alba, Ltd.
200 West Jackson Boulevard, Suite 1900
Chicago, Illinois 60606
(312) 263-1500
Fax: (312) 263-1520
rbg@ulaw.com
IL ARDC#: 01047558

Dated: April 17, 2017