

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

TRUSTEES of the CHICAGO REGIONAL)
COUNCIL OF CARPENTERS PENSION FUND,)
CHICAGO REGIONAL COUNCIL OF)
CARPENTERS WELFARE FUND, CHICAGO)
REGIONAL COUNCIL OF CARPENTERS)
SUPPLEMENTAL RETIREMENT FUND, and)
CHICAGO REGIONAL COUNCIL OF CARPENTERS)
APPRENTICE TRAINING FUND,)

Plaintiffs,)

v.)

EMCO INTERIORS, INC.,)

Defendants.)

Case 15 cv 9509

Judge Darrah

MOTION TO REINSTATE THE CASE AND ENTER JUDGMENT

Now come Plaintiffs, the Trustees of the Chicago Regional Council of Carpenters Pension Fund, et al., by their attorney, David Whitfield, of Whitfield McGann & Ketterman, and respectfully requests that this Honorable Court reinstate the case and enter final judgment for the amounts found to be owed. In support of the motion, the Plaintiffs state as follows:

1. Plaintiffs filed their complaint on October 26, 2015, and good service of summons occurred on October 30, 2015. (Exhibit A, Affidavits of Service)
2. At all times relevant to this action, the Defendants have been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements which created the Trust Funds. (Exhibit B – Signed Agreement)
3. This action arises under Section 502 of the Employee Retirement Income Security Act and Section 301 of the Taft-Hartley Act. (29 U.S.C. §§1132 and 185). Jurisdiction is founded on the existence of questions arising thereunder.

4. The Defendants must submit monthly reports listing the hours worked by its carpenter employees ("contribution reports") and to make concurrent payment of contributions to the Trust Funds based upon the hours worked by its carpenter employees. (Exhibit D – Sworn Declaration of John Libby)

5. Plaintiffs and Defendants entered into an Agreed Order of Dismissal on January 12, 2016. (Exhibit C – Agreed Order of Dismissal)

6. The Defendants breached Paragraph 1 of the agreed Order of Dismissal by failing to maintain the agreed upon monthly installment payments to the Plaintiffs. The Defendants owes the Plaintiffs \$46,363.92 of the Agreed Order of Dismissal. (Exhibit D – Sworn Declaration of John Libby)

7. Paragraph 3 of the Agreed Order of Dismissal provides Plaintiffs' the right to seek entry of a judgment if Paragraph 1 is breached. (Exhibit C – Agreed Order of Dismissal)

WHEREFORE, Plaintiffs pray:

- a) That the Defendants be ordered to submit payment of \$46,363.92 to the Plaintiffs.
- b) That Plaintiffs have such other and further relief as by the Court may be deemed just and equitable all at the Defendant's costs pursuant to 29 U.S.C. §1132(g)(2)(E).

By: /s/ David Whitfield
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