

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

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 15 C 11432
)	
IN-STALL, INC., an Illinois corporation,)	JUDGE JOHN W. DARRAH
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on February 24, 2016 request this Court enter judgment against Defendant, IN-STALL, INC., an Illinois corporation. In support of this Motion, Plaintiffs state:

1. On February 24, 2016, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for November 2015 forward within 14 days of the entry of said Order. The Court also entered an order that judgment would be entered after Defendant submitted the required contribution reports and Plaintiffs determined the amount due and owing from Defendant.

2. On April 13, 2016, Plaintiffs' counsel filed a motion for an order setting a hearing on a rule to show cause as a result of Defendant's failure to submit the monthly fringe benefit contribution reports for November 2015 forward pursuant to the Court's order entered on February 24, 2016. The motion hearing was scheduled for May 3, 2016.

3. On May 3, 2016, the Court entered and continued Plaintiffs' motion until June 7, 2016.

4. On June 6, 2016, the Court reset the hearing on Plaintiffs' motion from June 7, 2016 to June 30, 2016. The Court ordered Defendant to be present in court on June 30, 2016.

5. On June 16, 2016, Plaintiffs' counsel was notified by representatives of the Plaintiff Funds that Defendant submitted its monthly fringe benefit contribution reports for November 2015 through April 2016, but said contributions were untimely remitted and therefore liquidated damages had been assessed against the Defendant.

6. On June 29, 2016, the Court reset the hearing on Plaintiffs' motion from June 30, 2016 to September 13, 2016.

7. On September 1, 2016, Plaintiffs' counsel was notified by representatives of the Plaintiff Funds that Defendant failed to submitted its monthly fringe benefit contribution reports for June 2016 forward and that because prior contributions were untimely remitted, liquidated damages had been assessed against the Defendant and were still due and owing.

8. On September 7, 2016, the Court reset the hearing on Plaintiffs' motion from September 13, 2016 to October 26, 2016.

9. For the contribution months of September 2015 and November 2015 through April 2016, Defendant paid all contributions due. However, said contributions were untimely remitted by Defendant, and Plaintiff Funds have assessed liquidated damages in the amount of ten (10%) percent of all contributions due and untimely remitted. Accordingly, the amount of \$1,585.97 is due for liquidated damages for the stated months. (Schell Aff. Par. 5).

10. Additionally, Plaintiffs' firm has expended the sum of \$485.00 for costs and the amount of \$1,898.25 in attorneys' fees, for a total of \$2,383.25, in this matter. (See Affidavit of Catherine M. Chapman).

11. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$3,969.22.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$3,969.22.

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
Attorney for the Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6288574
Telephone: 312/216-2577
Facsimile: 312/236-0241
E-Mail: cscanlon@baumsigman.com

I:\265J\In-Stall, Inc\motion-judgment.cms.df.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 18th day of October 2016:

Mr. Silvano Sintich, Registered Agent/President
In-Stall, Inc.
17 W. Burlington
Western Springs, IL 60558

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
Attorney for the Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6288574
Telephone: 312/216-2577
Facsimile: 312/236-0241
E-Mail: cscanlon@baumsigman.com