

TRUSTEES of the CHICAGO REGIONAL
COUNCIL of CARPENTERS PENSION
FUND, et al.

Plaintiffs,

V.

JOHN'S INSTALLATION SERVICE INC.

Defendant.

Case No. 16 C 4017

Judge Durkin

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On July 12, 2016 this Court entered an Order of Default against the Defendant for its failure to answer to the complaint. (Exhibit A)
3. The Order of Default directed the Defendant, among other things, to submit reports and contributions. The Court retained jurisdiction to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)
4. The Defendant submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$8,704.76 for the months of December 2015 through April 2016. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$562.38 for the period December 2015 through April 2016. (Exhibit B, affidavit of John Libby)

5. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$286.43 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

6. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$4,492.44 for the period July 2013 through April 2016 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. The Defendant owes the sum of \$5482.50 for necessary and reasonable attorney fees and costs of \$400.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of \$19,928.51.

Respectively submitted,

s/ DANIEL P. McANALLY
Attorney for Plaintiffs

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