

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

FOX VALLEY LABORERS' HEALTH AND WELFARE FUND <i>et al.</i>,)	
)	
Plaintiffs,)	Case No.: 16 cv 7203
v.)	
)	Judge Shah
HUGH HENRY CONSTRUCTION INC., <i>et al.</i>,)	
)	
Defendant Judgment Debtor)	
)	

MOTION FOR REVIVAL OF JUDGMENT

Plaintiffs Fox Valley Laborers' Health and Welfare Fund ("Welfare Fund"), The Fox Valley Laborers' Pension Fund ("Pension Fund") (collectively, "the Funds"), and Pat Shales, Administrator of the Funds, by and through their attorney, Amy Carollo, hereby moves this Court to Revive its August 17, 2017 judgment against Defendants Hugh Henry Construction, Inc., Tracey Biesterfeldt, and Michael Gallagher. In support of this Motion, Plaintiffs state as follows:

1. On August 17, 2017, this Court entered a judgment in Plaintiffs' favor against Defendants Hugh Henry Construction Inc., Tracey Biesterfeldt, and Michael Gallagher in the amount of \$419,221.93. A true and accurate copy of this Court's August 17, 2017, judgment is attached hereto as Exhibit A.

2. After allowing for all previous payments, \$153,494.97 of the Court's August 17, 2017 judgment remains due and owing.

3. According to Rule 69(a)(1) of the Federal Rules of Civil Procedure, supplementary proceedings in federal court are governed by applicable state law of the state in which the federal court resides. *See also TDK Electronics Corp. v. Draiman*, 321 F.3d 677, 680

(7th Cir. 2003) and *Guillen v. Southern Illinois Hospital Services, et al.*, 2013 LEXIS 37950 (S.D. Ill. 2013) (both applying Illinois state law to revival of federal judgments).

4. Revival of judgments in Illinois is governed by 735 ILCS 5/2-1602(a), stating that a judgment may be revived by the filing of a petition to revive within 20 years after the entry of the judgment.

5. Accordingly, the Funds request that the Court's August 17, 2017 judgment against Defendant Hugh Henry Construction Inc., Tracey Biesterfeldt, and Michael Gallagher be revived in the amount of \$153,494.97.

WHEREFORE, Plaintiffs respectfully request that this Court revive its August 17, 2017 judgment against Defendant Hugh Henry Construction, Inc., Tracey Biesterfeldt, and Michael Gallagher in the amount of \$153,494.97.

March 28, 2024

Respectfully submitted,
Laborers' Pension Fund, et al.

By: /s/ Amy Carollo

Office of Fund Counsel
111 W Jackson Blvd, Suite 1415
Chicago, IL 60604
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CERTIFICATE OF SERVICE

The undersigned certifies that she caused a copy of the Motion for Revival of Judgment upon the following persons via mail and email this 28th day of March 2024.

Hugh Henry Construction Inc.
c/o Tracey Biesterfeldt, Registered Agent
6431 N. Newark, Apt. 1
Chicago, IL 60631

Tracey Biesterfeldt
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By: /s/ Amy Carollo_____

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

FOX VALLEY LABORERS' HEALTH AND)
WELFARE FUND, THE FOX VALLEY)
LABORERS' PENSION FUND, and PAT)
SHALES, Administrator of the Funds,)

Plaintiffs,)

v.)

HUGH HENRY CONSTRUCTION INC.,)
an Illinois corporation, TRACEY)
BIESTERFELDT, individually, and)
MICHAEL GALLAGHER, individually,)

Defendants.)

Case No. 1:16-cv-7203

Judge Shah

AGREED JUDGMENT

This matter coming before the Court on Plaintiffs' Motion for Entry of an Agreed Judgment, and the Court having reviewed the motion along with the supporting materials, the Court hereby FINDS, ORDERS, and ADJUDGES as follows:

Judgment is entered in favor of the Plaintiffs and against Defendants Hugh Henry Construction, Inc., Tracey Biesterfeldt, and Michael Gallagher, jointly and severally, in the total amount of \$419,221.93 on all Counts of the Amended Complaint, representing contributions, plus Welfare, Pension, Safety, Apprenticeship, CISCO, and IAF liquidated damages at 20%,


LMCC, LECET, and Dues Funds liquidated damages at 10% interest, audit fees, and attorneys' fees, for the period of November 1, 2013 through December 31, 2016.

SO ORDERED:


Honorable Judge Manish S. Shah

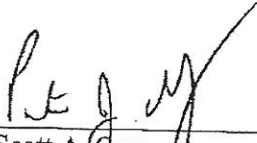
Date: August 17, 2017

For Plaintiffs:



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