

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

Midwest Operating Engineers Welfare Fund;)
Midwest Operating Engineers Pension Trust Fund;)
Operating Engineers Local 150 Apprenticeship)
Fund; Local 150 IUOE Vacation Savings Plan;)
Midwest Operating Engineers Retirement)
Enhancement Fund; Construction Industry)
Research and Service Trust Fund; and)
International Union of Operating Engineers, Local)
150, AFL-CIO;)

Plaintiffs,)

v.)

Great Lakes Specialty Diving, a Michigan)
corporation, f/k/a Great Lakes Commercial Diving)
and Salvage, a Michigan corporation, and L&M)
Fabrication, LLC, a Michigan limited liability)
company,)

Defendants.)

Case No. 16-cv-8782

Judge: Sara L. Ellis

Magistrate Judge: David M. Weisman

**JOINT MOTION FOR CONSENT JUDGMENT AGAINST GREAT LAKES
AND VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF L&M FABRICATION, LLC**

Pursuant to an agreement reached between Plaintiffs and Defendant Great Lakes Specialty Diving, a Michigan corporation f/k/a Great Lakes Commercial Diving and Salvage, a Michigan corporation (“Great Lakes”), the Parties jointly move the Court to enter a Consent Judgment Order containing the following terms:

Defendant Great Lakes does not dispute the Complaint allegations against it, or the findings of delinquent fringe benefit contributions and Union dues made pursuant to an audit conducted of its books and records;

1. Great Lakes agrees to a Consent Judgment against it as follows:

This Court finds:

A. Great Lakes has breached its contractual obligations under the collective bargaining agreements and trust documents identified in the Complaint;

B. Great Lakes is liable to the Funds for the full amount of the breach identified in the Complaint and as supplemented by audit, plus attorneys' fees and costs of this action;

C. Great Lakes is liable to the International Union of Operating Engineers, Local 150, AFL-CIO, for unpaid administrative dues, plus attorneys' fees and costs of this action.

D. Plaintiffs dismiss without prejudice the claims against L&M Fabrication, LLC.

WHEREFORE, the Parties jointly request that this Court enter a Judgment Order against Great Lakes and order Great Lakes to pay the following delinquent fringe benefit contributions and Union dues to Plaintiffs:

- a. \$237,725.85 in delinquent fringe benefit and CRF contributions;
- b. \$166,692.48 in interest and liquidated damages for unpaid fringe benefit contributions;
- c. \$6,949.51 in delinquent Union dues; to Local 150;
- d. \$26,681.25 for reasonable attorneys' fees;
- e. \$622.59 for costs of this action;

for total Consent Judgment amount of \$438,671.68, and dismiss Plaintiffs' claims against L&M Fabrication, LLC without prejudice.

Dated: March 6, 2018

Respectfully submitted,

By: /s/ Melinda S. Hensel
One of the Attorneys for Plaintiffs

Melinda S. Hensel
(*mhensel@local150.org*)
Institute for Worker Welfare, P.C.
6141 Joliet Road
Countryside, IL 60525
Ph: (708) 579-6649
Fx: (708) 588-1647

By: /s/ Burr Anderson
One of the Attorneys for Defendant Great Lakes

Burr E. Anderson
(*burranderson@sbcglobal.net*)
Anderson Law Offices, P.C.
400 Lake Cook Road - Suite 221-A
Deerfield IL 60015-4930
Ph: (312) 957-1100