

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

|                                  |   |                    |
|----------------------------------|---|--------------------|
| TRUSTEES of the CHICAGO REGIONAL | ) |                    |
| COUNCIL OF CARPENTERS PENSION    | ) |                    |
| FUND, et al.                     | ) |                    |
|                                  | ) |                    |
| Plaintiffs,                      | ) | Case No. 16 C 8793 |
|                                  | ) | Judge Gettleman    |
| v.                               | ) |                    |
|                                  | ) |                    |
| ELC INSTALLATION COMPANY et al.  | ) |                    |
|                                  | ) |                    |
| Defendants.                      | ) |                    |

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 January 18, 2017 this Court entered an Order of Default against the Defendants for their failure to answer to the complaint. (Exhibit A)

3. The Order of Default directed the Defendants, 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 Defendants submitted the monthly contribution reports but failed to submit the ERISA contributions shown to be owed in the amount of \$75,329.97 for the months of October 2016 through December 2016. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$3,830.71 for the period November 2016 through December 2016. (Exhibit B, affidavit of John Libby)

5. The Defendants owe interest on the unpaid ERISA contributions in the amount of \$270.06 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B)

6. The Defendants owe liquidated damages on the unpaid ERISA contributions in the amount of \$34,722.66 for the period February 2015 through December 2016 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

7. The Defendants owe the sum of \$5,256.75 for necessary and reasonable attorney fees and costs of \$455.00 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 judgment by default be granted in the amount of **\$119,865.15**.

Respectively submitted,

s/ Daniel P. McAnally  
Attorney for Plaintiffs

Whitfield McGann & Ketterman  
111 E. Wacker Drive  
Suite 2600  
Chicago, IL 60601  
(312) 251-9700