

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

TRUSTEES of the IRON WORKERS)
TRI-STATE WELFARE PLAN,)
Plaintiffs,)
v.) Judge Gettleman
Case No. 16-cv-8906
MORCOM CONSTRUCTION COMPANY,)
Defendant.)

Motion for Entry of Judgment

Plaintiffs by their attorney, Daniel P. McAnally, move this Court to enter judgment in this case against the Defendant and in support state:

1. This is an ERISA trust fund collection case that was settled in the form of an Agreed Order of Dismissal (“Agreed Order”) and payment plan. (Exhibit A) This case was reinstated on November 7, 2017 due to Defendant’s breach of the settlement.
2. Pursuant to the Agreed Order, Defendant agreed to pay \$21,550.00. On August 3, 2017, Plaintiffs’ legal counsel received a partial payment of \$1,500.00. No other payments were received.
3. Pursuant to the Agreed Order, in the event of a breach, Plaintiffs have the right to request judgment for the balance owed pursuant to this Order, plus accrued liquidated damages, audit fees in the amount of \$1,300.00 and the Plaintiffs’ attorney fees expended in enforcing this order.
4. Plaintiffs claim for ERISA contributions as set forth in the Agreed Order for Dismissal total \$16,776.84. This number is based on and audit of Morcom for the period January 2015 through June 30, 2016. The fund received a partial payment of \$1,500.00 in August 2017. The balance due on the contributions is \$15,276.84. (Exhibit B, Declaration of Debbie Trzeciak, Client Services Manager for the Iron Workers’ Tri-State Welfare Plan)

5. Because of Morcom's failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. Also, the Agreed Order of Dismissal allows for the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% per month. The amount of liquidated damages owed for the contributions due is \$5,368.64 for the period December 2015 through December 2017.

4. As a result the following is owed:

\$15,276.84	Balance of contributions due on the Agreed Order
\$5,368.64	Liquidated Damages
\$1,300.00	Audit fees per the Agreed Order
\$2,145.00	Attorney fees per the Agreed Order (Exhibit C)
\$24,090.48	Total Due

WHEREFORE, Plaintiffs pray for an entry of judgment against Morcom Construction Company for \$24,090.48

Respectfully submitted,
s/Daniel P. McAnally

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