

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

|   |   |                         |
|---|---|-------------------------|
| TRUSTEES OF THE CHICAGO PAINTERS AND    | ) |                         |
| DECORATORS PENSION, WELFARE, SAVINGS,   | ) |                         |
| APPRENTICESHIP, SCHOLARSHIP, AND        | ) |                         |
| COOPERATION FUNDS,                      | ) |                         |
|   | ) |                         |
| Plaintiffs,                             | ) |                         |
|   | ) | No. 16 CV 9969          |
| v.                                      | ) |                         |
|   | ) | Judge Shah              |
| DANIEL RASKEY, individually, and DANIEL | ) |                         |
| FIORITO, individually,                  | ) | Magistrate Judge Valdez |
|   | ) |                         |
|   | ) |                         |
| Defendants.                             | ) |                         |
|   | ) |                         |

**MOTION FOR JUDGMENT IN SUM CERTAIN**

Plaintiffs, by and through their attorneys, Grant R. Piechocinski, and ARNOLD AND KADJAN, LLP, hereby present their motion for judgment in sum certain. In support of their motion, Plaintiffs state as follows:

1. Plaintiffs filed this complaint on October 24, 2016 alleging that Daniel Raskey and Daniel Fiorito, who are the corporate officers of Daniel Decorating, Inc., are individually liable for amounts owed on the Daniel Decorating Audit because of their failure to maintain an adequate fringe benefit bond to cover all of Daniel Decorating's Employees.
2. Daniel Fiorito is the corporate president of Daniel Decorating, Inc., and Daniel Raskey is the corporate secretary of Daniel Decorating, Inc.
3. Defendant, Daniel Raskey ("Raskey") was served with the summons and complaint on November 7, 2016.

4. The Court gave Raskey until November 28, 2016 to answer or otherwise plead.
5. Defendant, Daniel Fiorito ("Fiorito") was served with the summons and complaint on November 21, 2016.
6. The Court gave Fiorito until December 12, 2016 to answer or otherwise plead.
7. Defendants Raskey and Fiorito have not answered or otherwise plead within the time allowed. Accordingly, Raskey and Fiorito are in default.
8. By being in default, all allegations in the complaint are deemed admitted including that Raskey and Fiorito failed to maintain an adequate bond to satisfy Article XV Section 1(b)(1) of the CBA.
9. According the affidavit of Richard J. Wolf, the following is owed to the Plaintiffs on the audit: \$726,103.12 in contributions, \$108,915.46 in liquidated damages, and \$1,900.00 in audit costs for a total of \$836,918.58. (Wolf Affidavit Ex. A).

WHEREFORE, Plaintiffs request that this Court enter judgment jointly and severally against Defendants Daniel Raskey and Daniel Fiorito for the amount of \$836,918.58. (See proposed Order attached as Exhibit B).

Respectfully Submitted,  
Trustees of the Chicago Painters, et al.  
By: /s/Grant R. Piechocinski

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