

**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 I.U.O.E. Vacation Savings Plan; )  
International Union of Operating Engineers, )  
Local 150, AFL-CIO; and the Construction )  
Industry Research and Service Trust Fund, )

Case No. 16-cv-11314

Plaintiffs, )

Judge: Edmond E. Chang

v. )

Magistrate Judge: M. David Weisman

Midwest Underground, Inc., a Dissolved Illinois )  
Corporation, and Larry Ernst, an Individual, )

Defendants. )

**JOINT MOTION FOR CONSENT JUDGMENT**

Pursuant to the settlement agreement reached between the Parties, and the Court’s October 19, 2017 Order, the Parties jointly move the Court to enter a Consent Judgment Order containing the following terms:

WHEREAS, Defendant Midwest Underground, Inc. (“MWU”), does not dispute the Complaint allegations against it; and MWU agrees to a consent judgment against it:

Then this Court finds:

1. MWU has breached its contractual obligations under the collective bargaining agreements and trust documents identified in the Complaint;
2. As a result, MWU is liable to the Funds for the full amount of the breach identified in the Complaint, plus attorneys’ fees and costs;
3. The Parties have agreed to dismiss, with prejudice, individual Larry Ernst from this case.

WHEREFORE, the Parties jointly request that this Court enter Judgment against MWU and order MWU to pay the following delinquent contribution amounts to Plaintiffs:

\$184,509.02 in delinquent fringe benefit, CRF contributions and Union dues  
\$12,400.00 in attorneys' fees  
\$878.00 in costs  
for a total consent judgment amount of \$197,787.02;

and dismissing individual Larry Ernst from the case with prejudice.

Dated: November 13, 2017

Respectfully submitted,

By: /s/ Charles R. Kiser  
One of the Attorneys for Plaintiffs

Charles R. Kiser (*ckiser@local150.org*)  
Institute for Worker Welfare, P.C.  
6141 Joliet Road  
Countryside, IL 60525  
Ph: (708) 579-6649  
Fx: (708) 588-1647

By: /s/ Joseph K. Nichele  
One of the Attorneys for Defendant

Joseph K. Nichele (*lawyers@broida-law.com*)  
Emmet C. Fairfield (*lawyers@broida-law.com*)  
Ronald J. Broida (*lawyers@broida-law.com*)  
Broida and Nichele, Ltd  
1250 East Diehl Road, Suite 108  
Naperville, IL 60563  
Ph. 630/245-1515