

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

GREGORY KELLEY, PAIGE KELLY,
FLOYD A. SCHLOSSBERG, and
MARSHALL MAUER as Trustees of THE
SERVICE EMPLOYEES INTERNATIONAL
UNION HEALTHCARE IL HEALTH AND
WELFARE FUND, and as Trustees of THE
SERVICE EMPLOYEEES
INTERNATIONAL UNION HEALTHCARE
IL PENSION FUND,

Plaintiffs,

v.

TEAMPAY HEALTHCARE LLC, SENOVA
HEALTHCARE SUPPORT SERVICES, LLC,
SONIC CLEANING SERVICES, LLC d/b/a
SENOVA HEALTHCARE SERVICES,
SERVICE COMPANIES, LLC, SENOVA
SERVICE CO., LLC, SENOVA CULINARY
SERVICES, LLC, SENOVA HOLDINGS,
LLC, LENOVA, LLC, MICHAEL NOVACK,
individually, and FILOMENA C. DE ABREU,
individually,

Defendants.

Case No. 18-cv-2607

Judge Shah

MOTION FOR SUPPLEMENTAL JUDGMENT

Plaintiffs GREGORY KELLEY, PAIGE KELLY, FLOYD A. SCHLOSSBERG, and
MARSHALL MAUER as Trustees of THE SERVICE EMPLOYEES INTERNATIONAL
UNION HEALTHCARE IL HEALTH AND WELFARE FUND ("Welfare Fund"), and as
Trustees of THE SERVICE EMPLOYEEES INTERNATIONAL UNION HEALTHCARE IL
PENSION FUND ("Pension Fund"), (Welfare Fund and Pension Fund known jointly as "The
Funds"), by and through their attorneys, Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich,
respectfully move this Court for entry of a supplemental judgment against Defendants Teampay

Healthcare LLC, Senova Healthcare Support Services, LLC, Sonic Cleaning Services, LLC d/b/a Senova Healthcare Services, Service Companies, LLC, Senova Service Co., LLC, Senova Culinary Services, LLC, Senova Holdings, LLC, and Lenova, LLC, (collectively, “Corporate Defendants”) and against Michael Novack, individually, and Filomena C. De Abreu, individually, (collectively, “Individual Defendants”). In support of the motion, the Funds state as follows:

1. This was an action to collect delinquent contributions, plus related interest, liquidated damages, and attorneys’ fees, that Teampay Healthcare LLC (“Teampay”) failed to remit to the Funds, in violation of 29 U.S.C. § 1145 and 29 U.S.C. § 185, and to hold the remaining Corporate Defendants liable for Teampay’s debts to the Funds as single employers with, alter egos of, or successor of Teampay, and to pierce the corporate veil to hold the Individual Defendants liable for the debts of the Corporate Defendants.

2. On June 21, 2018, the Court entered a default judgment against all Corporate Defendants except Teampay and against the Individual Defendants in the amount of \$72,788.88, and against Teampay for up to \$23,620.47 of the judgment against the Corporate Defendants and Individual Defendants. The difference reflected a judgment already entered against Teampay by Judge Chang of this court in case no. 17-cv-5946

3. The judgment included the attorneys’ fees and costs incurred by the Funds as of May 15, 2018, which totaled \$12,613.66.

4. The Funds have now incurred a total of \$16,894.16 in attorneys’ fees and costs as a result of the delinquency that is the subject matter of this litigation. Supplemental Declaration of Josiah A. Groff, attached hereto as Exhibit A, ¶¶ 4-7.

5. Thus, the Funds have incurred an additional \$4,280.50 since May 15, 2018 that were not included in the judgment entered against Defendants.

6. The Funds incurred the additional attorneys' fees and costs enforcing their judgment against Teampay, which did not cooperate with the Funds' collection efforts and did not voluntarily remit any payments to the Funds to satisfy the judgment, including preparing for and attending a hearing on a motion for default judgment, conferring with my client and negotiating with defendants, preparing a settlement agreement with Defendant Dawn Dobbs, preparing for and attending a hearing on a motion for conditional judgment, revising proposed orders on the motions for conditional judgment and motion for default judgment, preparing and serving four citations to discover assets and cover letters and following up with citation respondents regarding assets of judgment-debtors, and corresponding about assets frozen due to the citations to discover assets. These fees include collections efforts in connection with judgments entered by Judge Chang of this court in case no. 17-cv-5946 against some of the same Defendants, because any money collected on judgments in that case would count as a credit on the judgment entered on June 21, 2018 in this case.

7. The Funds anticipate incurring an additional \$480.00 in attorneys' fees related to this case after the date of this motion. Supp. Decl. Groff ¶¶ 5-6

8. Accordingly, the balance of fees incurred since May 15, 2018 is \$4,760.50, as demonstrated by the chart below:

Attorneys Fees and Costs (thru 5/15):	\$12,613.66
Attorneys' Fees (from 5/15 through 7/10)	\$4,280.50
Attorney's Fees (after 7/19):	\$480.00
Amount Allowed in Final Judg. Order:	(\$12,613.66)
TOTAL OWED:	\$4,760.50

9. Pursuant to 29 U.S.C. § 1132(g)(2), the Funds are entitled to the “reasonable attorney’s fees and costs of [an] action” to collect delinquent contributions. Plaintiffs under ERISA are entitled to fees for post-judgment collections. *Free v. Briody*, 793 F.2d 807, 808-09 (7th Cir. 1986). The attorneys’ fees and costs that the Funds incurred enforcing their judgment directly resulted from this action and the Funds are therefore entitled to those additional fees and costs under 29 U.S.C. § 1132(g)(2).

WHEREFORE, the Funds respectfully move this court to enter a supplemental judgment order against Defendants Teampay Healthcare LLC, Senova Healthcare Support Services, LLC, Sonic Cleaning Services, LLC d/b/a Senova Healthcare Services, Service Companies, LLC, Senova Service Co., LLC, Senova Culinary Services, LLC, Senova Holdings, LLC, Lenova, LLC, against Michael Novack, individually, and Filomena C. De Abreu, individually, for \$4,760.50 in attorneys’ fees and costs, in the form of the proposed order submitted to the Court.

Respectfully submitted,
/s/ Elizabeth L. Rowe
Elizabeth L. Rowe
An Attorney for the Plaintiffs

J. Peter Dowd (ARDC# 0667552)
Josiah A. Groff (ARDC# 6289628)
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