

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

SMART LOCAL 265 WELFARE FUND,)	
et al.,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 19 C 3116
)	
UNITED BUILDING & ENERGY SERVICES,)	JUDGE FRANKLIN U. VALDERRAMA
LLC, a Wyoming limited liability company,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on June 27, 2019, request this Court enter judgment against Defendant, UNITED BUILDING & ENERGY SERVICES, LLC, a Wyoming limited liability company. In support of this Motion, Plaintiffs state:

1. On May 8, 2019, a lawsuit was filed. On May 13, 2019, the Summons and Complaint was served on the corporation’s registered agent. Therefore, Defendant’s answer was due on June 3, 2019.

2. On June 27, 2019, this Court entered default against Defendant and granted Plaintiffs’ request for an order directing an audit of the Defendant’s payroll books and records for the time period January 1, 2016 through December 31, 2018. The Court also entered an order that judgment would be entered after the completion of the audit.

3. On July 17, 2019, Joseph P. Berglund filed his appearance as counsel for the Defendant [Dkt. 11]. On August 5, 2020, Defendant's answer to Plaintiffs' complaint was electronically filed with this Court [Dkt. 31].

4. On or about January 27, 2020, Plaintiffs' auditors issued the initial audit report. Thereafter, on February 14, 2020, Plaintiffs' auditors issued a revised audit report which did not change the initial amounts due identified in the January 27, 2020 report. The initial and revised audit findings show that the Defendant is delinquent in contributions to the Funds in the amount of \$596,841.29, plus \$59,684.13 for liquidated damages, for a total of \$656,525.42. (See Affidavit of Katie Eby).

5. Plaintiffs' auditing firm of Calibre CPA Group, PLLC charged Plaintiffs \$783.75 to perform the audit examination and complete the audit report and revised audit report and the Funds are entitled to recover said fees under their Trust Agreements (Eby Aff. Par. 7).

6. In addition, Plaintiffs' firm has expended \$485.00 for costs and \$12,999.50 for attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

7. In the Court's Notification of Docket Entry issued on March 9, 2021 [Dkt. 35], the Court allowed the Defendant until March 30, 2021 to retain new counsel and the parties were ordered to file a status report by April 12, 2021.

8. As Defendant has failed to retain new counsel and cannot proceed *pro se*, Plaintiffs respectfully request entry of judgment pursuant to F.R.C.P. 55. Also, see, United States v. Hagerman, 549 F3d. 536, 538 (7th Cir. 2008) ("The usual course when a litigant not entitled to litigate *pro se* loses its lawyer in the midst of the case is to give it a reasonable opportunity to find a new one or enter a default judgment") (citations omitted).

9. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$670,793.67.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$670,793.67.

/s/ Cecilia M. Scanlon

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 28th day of April 2021:

Ms. Wendy Rock
United Building & Energy Services, LLC
2100 Manchester Road, Suite 601
Wheaton, IL 60187-4587

/s/ Cecilia M. Scanlon

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