

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

THE BANCORP BANK,

Plaintiff,

v.

EPC PROPERTIES, LLC, EP CURRAGH, LLC;
HOLLAND PUB, LLC; DOWNTOWN HOLLAND
PROPERTIES, LLC; SOPHIA LEONGAS; THE
SMALL BUSINESS ADMINISTRATION; and ALL
UNKNOWN OWNERS and NON-RECORD
CLAIMANTS,

Defendants,

Case No. 1:20-cv-01148

Judge Martha M. Pacold

MATTHEW BRASH of NEWPOINT ADVISORS
CORPORATION, not personally but solely as the
court-appointed receiver,

Petitioner,

v.

781 MILWAUKEE, LLC a/k/a 781 NORTH
MILWAUKEE LLC; EP CURRAGH, LLC;
HOLLAND PUB, LLC; ds; and
UNKNOWN OCCUPANTS,

Respondents.

**PETITIONER'S MOTION FOR ENTRY OF ORDER OF DEFAULT
JUDGMENT AND ORDER FOR POSSESSION**

Petitioner, MATTHEW BRASH of NEWPOINT ADVISORS CORPORATION, not personally but solely as the court-appointed receiver ("Petitioner"), by and through his attorneys, Garfield & Merel, Ltd., and moves this Court for entry of a default judgment order and an order for possession of the subject property against Respondents, 781 MILWAUKEE, LLC a/k/a 781 NORTH MILWAUKEE LLC ("Respondent 781 Milwaukee"); EP CURRAGH, LLC ("Respondent EP"); HOLLAND PUB, LLC ("Respondent Holland"); QUE ONDA, LLC ("Respondent Que"); and UNKNOWN OCCUPANTS ("Unknowns" and collectively with Respondent 781 Milwaukee, Respondent EP, Respondent Holland, and Respondent Que, "Respondents"). In support of its motion, Petitioner states as follows:

1. Petitioner filed his Verified Supplemental Petition for Eviction pursuant to 735 ILCS 5/15-1701(h) (the “Petition”) on January 14, 2021 (Dkt. 49). The Petition seeks an order for possession against each of the respective Respondents of the respective premises in which the Respondents are currently in possession, as described in each of the leases attached to the Petition as Exhibits 1, 2 and 3 of the Petition. Count I is directed to 781 Milwaukee, LLC a/k/a 781 North Milwaukee LLC. Count II is directed to EP Curragh and Holland Pub. Count III is directed to QUE ONDA, LLC . Each of the Respondents is a tenant with respect to a portion of the commercial property (described in the Leases) that is the subject of Plaintiff’s foreclosure action, commonly known as 6701-6709 N. Northwest Highway, Chicago, IL 60631 (the “Property”).

2. On March 12, 2021, counsel for Respondent 781 Milwaukee, Respondent EP, Respondent Holland, and Respondent Que accepted service of the Petition and submitted said respondents to the jurisdiction of the Court (Dkt. 54). Respondents were required to file their responsive pleadings to the Petition within forty-five (45) days (to April 26, 2021) (Dkt. 54).

3. On March 23, 2021, Unknown Occupants were served with a copy of the Petition. A true and correct copy of the return of service is attached hereto and incorporated herein as Exhibit 1.

4. No responsive pleadings were filed by or on behalf of any of the Respondents, in compliance with the March 12, 2021 order or otherwise.

5. As of the filing of this motion, Respondents owe the following amounts for unpaid rent under their respective leases:

a. Respondent 781 Milwaukee, LLC	\$86,825.00
b. Respondents EP Curragh and Holland Pub	\$265,837.00
c. Respondent Que Onda, LLC	\$91,666.63

Petitioner claims these amounts due, plus additional accruing rent at the monthly rate set forth in Petitioner’s supporting affidavit. *See* Affidavit of Matthew Brash, attached hereto and

incorporated herein as Exhibit 2. The Petition, and the facts set forth therein, including the authenticity of each exhibit, was duly verified and authenticated by Petitioner.

6. Petitioner requests that this Court (i) enter a default order against all Respondents; (ii) enter an order for possession of the premises described in the Leases, against each of the Respondents for the respective premises described in their respective Leases; and (iii) enter judgment against Respondents for unpaid rent due under the respective leases.

WHEREFORE, Petitioner, MATTHEW BRASH of NEWPOINT ADVISORS CORPORATION, not personally but solely as the court-appointed receiver, prays that this Court grant his motion and enter an order of default against Respondents, 781 MILWAUKEE, LLC a/k/a 781 NORTH MILWAUKEE LLC; EP CURRAGH, LLC; HOLLAND PUB, LLC; QUE ONDA, LLC; and UNKNOWN OCCUPANTS; enter separate orders for possession against each Respondent in favor of Petitioner, for the premises occupied by each individual Respondent, as described in each lease, at the Property; enter a money judgment against each Respondent for unpaid rent, pursuant to proof submitted by Petitioner; and for such other relief as this Court deems just and reasonable.

Respectfully submitted,

MATTHEW BRASH of NEWPOINT ADVISORS CORPORATION, not personally but solely as the court-appointed receiver

By: /s/ Gregory A. McCormick

One of his Attorneys

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