

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

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on February 19, 2021, request this court enter judgment against Defendant, WAYNE'S TRUCKING, LLC, an Illinois limited liability company. In support of this motion, Plaintiffs state:

1. On February 19, 2021, this court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for the time periods June 2020 through August 2020 and November 2020 through the present [Dkt. 8]. The court granted Defendant until February 26, 2021 to respond or object to the motion to compel production of contribution reports.

2. On February 19, 2021, Plaintiffs' counsel wrote to Wayne S. Turman, the owner of Defendant, Wayne's Trucking, LLC, providing a copy of the court's order, advising that the Defendant's response or objection was due by February 26, 2021 and requiring that the contribution reports due for the time periods June 2020 through August 2020 and November 2020 through the present be immediately submitted.

3. On March 1, 2021, this court entered an order granting Plaintiffs' motion and requiring the Defendant to submit its monthly fringe benefit contribution reports for the time periods June 2020 through August 2020 and November 2020 through the present within 14 days of the entry of said order [Dkt. 10].

4. On March 3, 2021, Plaintiffs' counsel wrote to Mr. Turman providing a copy of the court's order and requiring that the contribution reports due for the time periods June 2020 through August 2020 and November 2020 through the present be submitted by March 15, 2021.

5. On March 31, 2021, Plaintiffs' counsel filed a motion for an order setting a hearing on a rule to show cause against Mr. Turman for his failure to submit the required contribution reports for the time periods June 2020 through August 2020 and November 2020 through the present pursuant to the court's order entered on March 1, 2021.

6. On April 1, 2021, this court entered an order requiring Wayne S. Turman, in his capacity as an agent of Defendant, Wayne's Trucking, LLC, to appear for a telephonic hearing on April 8, 2021 at 10:00 a.m. [Dkt. 13].

7. On April 1, 2021, Plaintiffs' counsel wrote to Mr. Turman advising him of the telephone hearing scheduled for April 8, 2021. A copy of the court's order was provided to Mr. Turman. Additionally, Plaintiffs' counsel sent the court's order to its process server and requested that the order be personally served on Mr. Turman.

8. After unsuccessful attempts on April 4, 2021, April 6, 2021 and April 8, 2021 at 9:00 a.m., on April 8, 2021, Plaintiffs' process server personally served the court's order on Mr. Turman. However, the order was not served until 8:30 p.m., even though the telephone hearing was scheduled for 10:00 a.m.

9. On April 8, 2021, the court issued a writ of body attachment against Mr. Turman for his failure to appear for the telephone hearing on April 8, 2021 [Dkt. 14]. The court continued the hearing to April 21, 2021. The court ordered that if Mr. Turman fails to participate in the April 21, 2021 telephone hearing, then it will direct the U.S. Marshal's service to execute on the writ against Mr. Turman.

10. On April 15, 2021, Plaintiffs' counsel wrote to Mr. Turman advising him of the telephone hearing continued until April 21, 2021 and that the matter would be turned over to the U.S. Marshal's Service to execute on the writ if he did not participate in the court hearing. A copy of the court's order was provided to Mr. Turman.

11. On April 21, 2021, this court held a telephone hearing at which time the Defendant failed to participate. However, in lieu of directing that the U.S. Marshal's Service execute on the writ of body attachment against Mr. Turman, the court granted Plaintiffs leave to file a motion for entry of judgment or to amend its complaint.

12. Based on Defendant's submission of monthly fringe benefit contribution reports for the months of September and October 2020, Plaintiffs estimate Defendant owes contributions for the months of June 2020 through August 2020 and November 2020 through April 2021 in the amount of \$44,345.61. (See Affidavit of Richard J. Clarson).

13. Additionally, the amount of \$8,869.13 is due for 20% liquidated damages and \$2,134.40 is due for interest, for a total of \$11,003.53. (Clarson Aff. Par. 5).

14. In addition, Plaintiffs' firm has expended \$587.00 for costs and \$1,766.25 for attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

15. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$57,702.39.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$57,702.39.

/s/ Cecilia M. Scanlon

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 she 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 3rd day of June 2021:

Mr. Wayne S. Turman, Registered Agent
Wayne's Trucking, LLC
24363 Newport Drive
Crete, IL 60417-2626

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
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