

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

CARPENTERS FRINGE BENEFIT FUNDS OF ILLINOIS, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 23 C 2138
)	
)	JUDGE ELAINE E. BUCKLO
ICC COMMONWEALTH CORPORATION, a New York corporation, f/k/a INTERNATIONAL CHIMNEY CORP.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on August 1, 2023, request this Court enter judgment against Defendant, ICC COMMONWEALTH CORPORATION, a New York corporation, f/k/a INTERNATIONAL CHIMNEY CORP., pursuant to F.R.Civ.P. Rule 55(b). In support of this Motion, Plaintiffs state:

1. On August 1, 2023, 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 period September 2022 forward. The Court also entered an order that judgment would be entered after Plaintiffs' received the required contribution reports and determined the amounts due and owing from Defendant.

2. On September 6, 2023, the Fund Office for the Plaintiff Funds advised they received Defendant's monthly fringe benefit contribution reports for the time period December 2022 through May 2023. On September 7, 2023, during a telephone conversation with Defendant, the company advised it would pay the amounts due for September and October 2022. Defendant

paid the contributions due for November 2022, but shorted the amount due and there remains \$40.61 due and owing (See Affidavit of David Bratek).

3. Additionally, the amount of \$2,345.74 is due for liquidated damages for the untimely payment of contributions due for the time period April 2022, November 2022 and March 2023 through June 2023. (Bratek Aff. Par. 5).

4. Defendant submitted a payment of \$4,831.28 to Plaintiff Funds for contributions due for September 2022. Plaintiffs subsequently learned that the check was fraudulently cashed and accordingly the amount of \$4,831.28 for contributions for September 2022 remains due and owing. (Bratek Aff. Par. 6).

5. In addition, Plaintiffs' firm has expended \$712.00 for costs and \$2,172.50 for attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$10,102.13.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$10,102.13.

/s/ Destiny A. Collins

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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 13th day of November 2023:

Mr. Guillermo Alvarez, President
ICC Commonwealth Corporation
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Mr. Edward Gasiiecki, VP
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/s/ Destiny A. Collins

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