

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

THE CONSTRUCTION INDUSTRY WELFARE)
FUND OF ROCKFORD, ILLINOIS;)
THE CONSTRUCTION INDUSTRY)
RETIREMENT FUND OF ROCKFORD,)
ILLINOIS; AND BRICKLAYERS and ALLIED)
CRAFTWORKERS LOCAL 6, ILLINOIS,)

Plaintiffs,)

v.)

MASONRY STRUCTURES, INC.,)
An Illinois Corporation)

Defendant.)

) **CASE NO. 08 C 50065**

) Judge: Kapala

) Magistrate Judge: Mahoney

MOTION FOR A JUDGMENT

NOW COMES the Plaintiffs, THE CONSTRUCTION INDUSTRY WELFARE FUND OF ROCKFORD, ILLINOIS; THE CONSTRUCTION INDUSTRY RETIREMENT FUND OF ROCKFORD, ILLINOIS and BRICKLAYERS and ALLIED CRAFTWORKERS LOCAL 6, ILLINOIS (hereinafter called "The Plaintiffs"), by and through their attorneys, MARC M. PEKAY, P.C. and hereby move for a Judgment against the Defendant, MASONRY STRUCTURES, INC. (hereinafter called "the Company"). In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint on April 15, 2008 seeking to collect unpaid contributions pursuant to an audit, unpaid liquidated damages and unpaid wages.
2. On July 24, 2008, Judge Kapala entered a Default Judgment against the Defendant and an Order to compel an audit.

3. Defendant owes three thousand one hundred thirty two dollars and ninety cents (\$3,132.90) in contributions based upon an audit for the period January 1, 2005 through June 30, 2007 which is attached hereto as *Exhibit A and Exhibit D*. The cost to perform the audit was \$650.00. In addition, Defendant owes one thousand nine hundred ninety nine dollars and fifty six cents (\$1,999.56) in unpaid liquidated damages based upon contributions paid but did not pay on a timely basis. See *Exhibit B and Exhibit D*.

4. Pursuant to the Employee Retirement Act of 1974 ("ERISA"), as amended, 29 U.S.C. §1132(g)(2), Section 301 of the Labor Management Relations Act ("LMRA"), as amended, 29 U.S.C. §185, the Agreement, and the Plaintiffs' respective Agreements, Defendant, is responsible for all reasonable legal fees that accrued as a result of the Funds having to collect on these delinquencies.

5. The total amount of legal fees and costs accrued on collecting on the above delinquencies is Five Thousand Eight Hundred Twenty Seven Dollars and three cents (\$5,827.03) See *Exhibit C*.

6. The total amount of money defendant owes is Eleven Thousand Six Hundred Nine Dollars and forty nine cents (\$11,609.49).

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order finding:

a. That a Judgment be entered against MASONRY STRUCTURES, INC. In the amount of Eleven Thousand Six Hundred Nine Dollars and forty nine cents (\$11,609.49) which includes three thousand one hundred thirty two dollars and ninety cents (\$3132.90) in contributions based upon an audit for the period January 1, 2005 through June 30, 2007; audit costs in the amount of \$650.00, liquidated damages of

one thousand nine hundred ninety nine dollars and fifty six cents (\$1,999.56); and legal fees of Five Thousand Eight Hundred Twenty Seven Dollars and three cents (\$5,827.03).

b. Any other further legal and equitable relief as this Court deems appropriate.

Respectfully submitted,

THE CONSTRUCTION INDUSTRY WELFARE FUND
OF ROCKFORD, ILLINOIS; THE CONSTRUCTION
INDUSTRY RETIREMENT FUND OF ROCKFORD,
ILLINOIS and BRICKLAYERS and ALLIED
CRAFTWORKERS LOCAL 6, ILLINOIS

By: s/Marc M. Pekay
MARC M. PEKAY, attorney for Plaintiffs

MARC M. PEKAY, P.C.
30 North LaSalle St.
Suite 2426
Chicago, IL 60602
(312) 606-0980