

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

THE CONSTRUCTION INDUSTRY WELFARE)	
FUND OF ROCKFORD, ILLINOIS and;)	
THE CONSTRUCTION INDUSTRY)	
RETIREMENT FUND OF ROCKFORD,)	
ILLINOIS,)	
Plaintiffs,)	CASE NO. 09 C 50151
v.)	
)	Judge Frederick Kapala
)	Magistrate Judge Michael
)	Mahoney
CCS COSNTRUCTION, LLC,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

NOW COMES the Plaintiffs, THE CONSTRUCTION INDUSTRY WELFARE FUND OF ROCKFORD, ILLINOIS and THE CONSTRUCTION INDUSTRY RETIRMENT FUND OF ROCKFORD, ILLINOIS (hereinafter referred to as the "Plaintiffs" or the "Funds"), by and through their attorney, MARC M. PEKAY, P.C. and hereby move for an Entry of Judgment in the amount of Sixteen Thousand Nine Hundred and Eighty-Seven Dollars and eighty-eighty cents (\$16,987.88) against Defendant, CCS CONSTRUCTION, LLC. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint on July 15, 2009 seeking unpaid contributions due pursuant to an audit.
2. The Defendant was served with the Complaint and Summons on August 3, 2009 (*Attached hereto as Exhibit A*).
3. The time in which the Defendant had to answer or otherwise plead has expired.
4. Defendant owes \$14,082.88 pursuant to an audit for the time period of January

1, 2006 through June 30, 2008 which includes \$12,864.61 in contributions and \$1,218.27 in liquidated damages and \$750.00 for the cost of the audit being performed. (*Attached as Exhibit B and an affidavit of the Administrator as Exhibit C .*)

5. 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.

6. The total amount of legal fees and costs that have accrued on collecting on the above delinquencies is \$2,905.00 (*Attached hereto as Exhibit D*).

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

a. That a Judgment be entered against CCS CONSTRUCTION, LLC. in the amount of \$14,082.88 pursuant to an audit for hours worked from January 1, 2006 through June 30, 2008 plus legal fees and costs in the amount of \$2,905.00 for a total amount of \$16,987.88.

b. That CCS CONSTRUCTION, LLC. be ordered to remain current in the payment of their contributions;

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

Respectfully submitted,

The Construction Industry Welfare Fund of Rockford, Illinois,
et al.

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