

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT DAYTON, OHIO

**IRON WORKERS DISTRICT COUNCIL
OF SOUTHERN OHIO & VICINITY
BENEFIT TRUST, et al.,**

Plaintiffs,

v.

NCR CLARK, LLC, et al.,

Defendants.

CASE NO. 3:14-cv-00070

JUDGE THOMAS M. ROSE

MAGISTRATE JUDGE MICHAEL R. MERZ

**AMENDED AGREED JUDGMENT
ENTRY**

Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, Pension Trust, and Annuity Trust (collectively “Plaintiffs”) were awarded a default judgment against Defendants NCR Clark, LLC (“NCR Clark”) and Neita C. Williamson (“Williamson”) (collectively “Defendants”) (Plaintiffs and Defendants shall be referred to collectively as “Parties”), jointly and severally, on August 26, 2014. ECF#11 (the “Judgment”). As the judgment remains unpaid, due, and owing to Plaintiffs by Defendants, Plaintiffs are undertaking and/or have previously taken steps against the Defendants to execute upon the Judgment. In the course of Plaintiffs’ efforts to collect, Plaintiffs and Defendants have reached a post-judgment compromise with respect to the Judgment, under the following terms:

1. Defendants shall pay Plaintiffs the sum of fifty-five-thousand nine-hundred-thirty-nine and 32/100 dollars (\$55,939.32) no later than thirty calendar (30) days from the date that the Parties sign this Amended Agreed Judgment Entry, in full satisfaction of the Judgment, with payment to be made as follows:

Payable to: Iron Workers District Council of Southern Ohio & Vicinity
Fringe Funds

Mailed to: Faulkner, Hoffman & Phillips, LLC
ATTN: Joseph C. Hoffman, Jr., Esq.
One International Place
20445 Emerald Parkway Dr., Ste. 210
Cleveland, Ohio 44135

2. Upon confirmation that said payment of \$55,939.32 to Plaintiffs by Defendants has cleared and otherwise been honored by Defendants and/or their financial institution, Plaintiffs shall take the following actions as soon as practicable:
 - a. file a notice of satisfaction of judgment in this Case;
 - b. release and waive any liens or lien rights that they may have with respect to the Judgment;
 - c. dismiss and/or withdraw all contempt motions and/or other matters currently pending in this Case; and
 - d. notice of dismissal of this Case, with prejudice.
3. Plaintiffs hereby agree to hold all current collections actions and efforts to execute upon the Judgment (ECF#11) in abeyance for thirty (30) calendar days from the date of the Parties' signatures below;
4. In the event that Defendants fail to pay the \$55,939.32 due to hereunder within thirty (30) calendar days of the Parties' signatures hereon, or in the event that Defendants' payment is dishonored, Plaintiffs will have the immediate right to execute upon ECF#11. Additionally, Defendants acknowledge and agree that they will be jointly and severally liable for any attorneys' fees and costs incurred by Plaintiffs after the date of the Judgment, inclusive of contempt filings, procedures to execute upon the judgment, and settlement expenses,

The Parties, by the signatures of their counsel below, agree that this is a fair and equitable resolution of the matter and believe the agreement to not be unconscionable.

IT IS THEREFORE ORDERED, that all post judgment actions in this matter are held in abeyance for thirty (30) days from the date of the parties' representatives' signatures on this Order.

IT IS FURTHER ORDERED that should the Parties fail to complete the contemplated agreement outlined above, Plaintiffs shall suffer no prejudice but shall authorized to enforce their judgment (ECF#11) to the fullest extent allowed.

Having seen and agreed to the foregoing on this 6th Day of January, 2015:

/s/ Robert Schaefer
Robert Schaefer (KY Reg. No. 92686)
Schaefer Law Office, PLLC
619 High St., #1B
Brandenburg, KY 40108
Phone: (270) 422-5821
Email: robert@schaeferattonney.com

Counsel for Judgment Debtor

/s/ Matthew T. Hurm
Joseph C. Hoffman, Jr. (Ohio Reg. No. 0056060)
Joseph D. Mando (Ohio Reg. No. 0082835)
Matthew T. Hurm (Ohio Reg. No. 0088818)
Faulkner, Hoffman & Phillips, LLC
20445 Emerald Parkway Dr., Suite 210
Cleveland, Ohio 44135-6029
Phone: (216) 781-3600
Fax: (216) 781-8839
Email: hoffman@fmplaw.com
Email: mando@fhplaw.com
Email: hurm@fhplaw.com

*Counsel for Judgment Creditor Iron Workers
District Council of Southern Ohio & Vicinity
Benefit Trust, Pension Trust, and Annuity Trust*

Approved by:

s/Thomas M. Rose
Judge Thomas M. Rose, U.S. District Court Judge