

J3300-45

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

**INTERNATIONAL UNION OF)
OPERATING ENGINEERS, LOCAL)
150, AFL-CIO)
Plaintiff,)
)
)
vs.)
ACTION FENCE CONTRACTORS,)
INC., an Illinois Corporation,)
)
Defendant.)**

**Civil Action
Filed: May 19, 2008
Case No.: 08 CV 2900
Judge Gettleman
Magistrate Judge Mason**

**AGREED MOTION TO VACATE ALL TECHNICAL DEFAULTS & LEAVE TO
ANSWER OR OTHERWISE PLEAD IN 30 DAYS**

NOW COMES the Defendant, ACTION FENCE CONTRACTORS, INC., an Illinois Corporation, by and through its attorney, JAMES A. KARAMANIS of ZANE D. SMITH & ASSOCIATES, LTD., and respectfully requests that this Honorable Court grant Plaintiff's motion to vacate all technical defaults & leave to answer or otherwise plead in 30 days, and in support thereof, states as follows:

1. Both the Plaintiff, International Union of Operating Engineers, Local 150, AFL-CIO and Defendant, Action Fence Contractors, Inc., have been involved in substantial settlement negotiations since the filing of this Complaint in an effort to resolve the matter without the necessity of further litigation.
2. During the course of the settlement negotiations, Plaintiff agreed that they would take no further action in the prosecution of this case and would agree to Defendant's present motion.
3. Nevertheless, it has become apparent to both parties that settlement is unlikely.

WHEREFORE, Defendant, ACTION FENCE CONTRACTORS, INC., prays this Honorable Court enter an order granting its motion to vacate all technical defaults & leave to answer or otherwise plead in 30 days and for any additional relief for Defendant this Court deems just.

Respectfully submitted

By://s/ James A. Karamanis
James A. Karamanis, One of Plaintiff's Attorneys

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