

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

TRUSTEES of the CHICAGO REGIONAL)
COUNCIL OF CARPENTERS PENSION)
FUND, et al.)

Plaintiffs,)

Case No. 10 C 2622

Judge Castillo

v.)

PRECISION WOODWORKING COMPANY)

Defendant.)

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court to enter Judgment against the Defendant and in support state:

1. Plaintiffs filed their complaint seeking an ERISA audit and delinquent findings of the Defendant.

2. The Court previously entered an Order of Default on June 30, 2010 directing the Defendant to pay \$2,589.00 in attorney fees and costs and to submit to an audit. (Exhibit A)

3. The Plaintiffs audited the books and records of the Defendant to verify that all contributions were submitted. The audit revealed that the Defendant breached the provisions of the Collective Bargaining Agreement by underpaying contributions that are owed to the Trust Funds based upon the hours worked by employees and/or measured by the hours worked by subcontractors during the period July 2008 through April 2010. The contributions owed to the Trust Funds as a consequence of this breach are \$179,933.60. (Exhibit B, affidavit of John Libby, Exhibit 1, Audit Report)

4. The Defendant owes interest on the unpaid ERISA contributions in the amount of \$24,541.25 pursuant to the Trust Agreements and 29 U.S.C. §1132(g)(2)(B). (Exhibit B, Exhibit 2)

5. The Defendant owes liquidated damages on the unpaid ERISA contributions in the amount of \$35,986.72 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B, Exhibit 2)

6. The Defendant owes \$1,764.00 for necessary and reasonable audit fees, \$6,201.00 for necessary and reasonable attorney fees and costs of \$350.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of \$245,248.57.

Respectively submitted,

s/ DANIEL P. McANALLY
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