

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

E.I. DU PONT DE NEMOURS
AND COMPANY,

Plaintiff/Judgment Creditor,

v.

KOLON INDUSTRIES, INC. A/K/A KOLON
CORPORATION,

Defendant/Judgment Debtor,

v.

API-KOLON ENGINEERED PLASTICS
A/K/A ADVANCED PLASTICS, INC.,

Garnishee.

Case No. 12-cv-05529

HONORABLE JOAN H. LEFKOW

**PLAINTIFF AND JUDGMENT CREDITOR'S MOTION
FOR CONDITIONAL JUDGMENT AGAINST THE GARNISHEE**

Plaintiff and Judgment Creditor E.I. du Pont de Nemours and Company (“DuPont”) moves this Court for: (i) the entry of a conditional judgment pursuant to 735 Ill. Comp. Stat. 5/12-706 against Garnishee API-Kolon Engineered Plastics, a/k/a Advanced Plastics, Inc. (“API”) in the amount of \$867,121,786.35, plus costs (“Conditional Judgment”), due to API’s decision repeatedly to ignore its obligation to file an Answer to Writ of Garnishment; and (ii) the entry of an Order that directs the Clerk of Court to issue a Summons (substantially in the form of the draft that has been filed as Exhibit 3 to this motion) to confirm the Conditional Judgment, commanding API to show cause why Conditional Judgment should not be made final, if API so contends. The support for this motion is as follows:

1. DuPont instituted this most recent garnishment proceeding against API on July 18, 2013.

2. The Court issued a garnishee summons to API on November 6, 2013, with a return date of November 27, 2013.
3. A copy of the garnishee summons, with the requisite number of interrogatories, was served on API on November 22, 2013, pursuant to 735 Ill. Comp. Stat. 5/12-705(a). *See* USM-285 Form (filed Nov. 26, 2013), appended hereto as Exhibit 1.
4. API was therefore required pursuant to Federal Rule of Civil Procedure 69(a) and 735 Ill. Comp. Stat. 5/12-705(a) to make an appearance and to file an answer to the interrogatories by December 11, 2013. API did not do so.
5. In a showing of good faith, DuPont contacted counsel for API on December 18, 2013, to provide API with an opportunity to cure its default. *See* Letter from K. Cole, Esq. to J. Park, Esq., appended hereto as Exhibit 2, at 1 (December 18, 2013). In addition, counsel for DuPont indicated that if API did not file its Answer to the Writ of Garnishment by December 20, 2013, then DuPont would ask the Court for the relief that is now the subject of this motion. *See id.* at 1-2.
6. In the 40 days that have elapsed since, API has chosen to continue to ignore the garnishee summons and interrogatories, as well as DuPont's letter of December 18, 2013. To date, API has neither appeared nor answered the validly served interrogatories.

DATED: January 28, 2014

/s/ Carolyn Gurland
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