

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

STEVE ALTMAN, MARK)
DALESANDRO, JEFFREY E. MEYER,)
MICHAEL A. OLIVER, FLOYD)
DILLMAN, AND BILL KUBIAK, as the)
TRUSTEES of the CHICAGO MOVING)
PICTURE MACHINE OPERATOR'S)
UNION LOCAL 110 SEVERANCE TRUST)
) No. 13-CV-7174
Plaintiffs,)
v.)
)
ICE DEVELOPMENT, LLC, an Illinois)
limited liability company, STARKS HOLDING,)
LLC, an Illinois limited liability company; and)
ICE THEATERS, LLC, an Illinois Limited)
Liability company,)
)
Defendants.)

**PLAINTIFFS' MOTION TO VOLUNTARILY DISMISS
DEFENDANTS STARKS HOLDING, LLC AND ICE THEATERS, LLC AND FOR
ENTRY OF FINAL JUDGMENT AGAINST DEFENDANT ICE DEVELOPMENT, LLC**

The plaintiffs, STEVE ALTMAN, MARK DALESANDRO, JEFFREY E. MEYER, MICHAEL A. OLIVER, FLOYD DILLMAN, AND BILL KUBIAK (the "Trustees"), as TRUSTEES of the CHICAGO MOVING PICTURE MACHINE OPERATOR'S UNION LOCAL 110 ("Local 110") of the INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS SEVERANCE TRUST (the "Severance Trust"), by their attorneys, hereby move, pursuant to Fed. R. Civ. P. 41(a)(2) to voluntarily dismiss Defendants Starks Holding, LLC, and Ice Theaters, LLC and pursuant to Fed. R. Civ. P. 54(b) for an entry of final judgment against Defendant Ice Development, LLC. In support of their motion, Plaintiffs state as follows:

1. On April 28, 2015, this Court granted in part and denied in part Plaintiffs' Rule 12(c) Motion for Judgment on the Pleadings [Doc. 38.] This Court held that "Plaintiffs are entitled to judgment on the pleadings on the issue of [Defendant] ICE Development's withdrawal liability in the amount of \$17,078.63, plus interest, attorneys' fees, and costs. But Plaintiffs' motion is denied on the issue of Defendants' [Starks Holding, LLC and ICE Theaters, LLC] joint and several liability." [Doc. 38, p.3.]

2. Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs now seek to voluntarily dismiss Defendants Starks Holding, LLC and ICE Theaters, LLC, without prejudice. Rule 41(a)(2) permits this Court to dismiss an action upon Plaintiffs' request on terms the court considers proper. Plaintiffs seek to voluntarily dismiss these defendants so that an entry of final judgment may be entered against Defendant ICE Development, LLC, against whom this Court found Plaintiffs are entitled to judgment.

3. Pursuant to Fed. R. Civ. P. 54(b), Plaintiffs seek an entry of final judgment against Defendant ICE Development, LLC in the amount of \$17,078.63 plus interest, attorneys' fees, and costs. Rule 54(b) permits the Court to direct entry of a final judgment as to one or more, but fewer than all, claims or parties, if the court expressly determines that there is no just reason for delay. There is no just reason to delay entry of final judgment against ICE Development, LLC, as this Court has found Plaintiffs' are entitled to judgment against it, the other defendants are being voluntarily dismissed from this action and no claims or defenses remain to be litigated.

WHEREFORE, the plaintiffs, STEVE ALTMAN, MARK DALESANDRO, JEFFREY E. MEYER, MICHAEL A. OLIVER, FLOYD DILLMAN, AND BILL KUBIAK, as the TRUSTEES of the CHICAGO MOVING PICTURE MACHINE OPERATOR'S UNION

LOCAL 110 SEVERANCE TRUST, request that: (1) the claims against Defendants Starks Holding, LLC, and ICE Theaters, LLC, be voluntarily dismissed, without prejudice, and with each party to bear its own costs, and (2) final judgment be entered against ICE Development, LLC, in the amount of \$17,078.63 plus interest, attorneys' fees, and costs, and such other relief as the Court deems just and proper.

STEVE ALTMAN, et al.,
as the Severance Trust Trustees

BY: /s/ Blake A. Roter
One of Their Attorneys

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