

UNOFFICIAL COPY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

MERCEDES-BENZ FINANCIAL SERVICES)
USA LLC, a Delaware limited liability company,)

Plaintiff,)

v.)

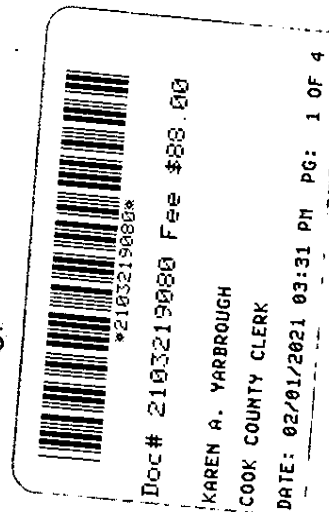
LIBERO EXPRESS INC., an Illinois)
corporation and ALEXANDRA MUSIC f/k/a)
ALEXANDRA POSTELNICESCU)
an individual,)

Defendants.)

Case No. 2019-L-050616

Amount Claimed:
\$1,787,595.11

Calendar 3
Honorable John J. Curry Jr.



ORDER

Upon consideration of the Motion filed by Plaintiff Mercedes-Benz Financial Services USA LLC ("MBFS") for Default Judgment (the "Motion") against Defendants Libero Express Inc. ("Libero") and Alexandra Music f/k/a Alexandra Postelnicescu ("Alexandra") (collectively, the "Defendants"), with proper notice having been given and being duly advised in the premises:

THE COURT FINDS:

A. Defendant Libero Express Inc. is an Illinois corporation, Defendant Alexandra Music f/k/a Alexandra Postelnicescu is a resident of the State of Illinois, and this Court has personal jurisdiction over the Defendant pursuant to 735 ILCS 5/2-209.

B. Venue is proper in this Court pursuant to 735 ILCS 5/2-101(1), 805 ILCS 5/12.60(a), and 735 ILC 5/19-109.

C. On April 20, 2017, MBFS made a purchase money loan to Libero ("Loan 085001") to finance its purchase of one (1) 2016 Freightliner tractor.

D. On August 17, 2017, MBFS made a purchase money loan to Libero ("Loan 715001") to finance its purchase of two (2) 2018 Freightliner tractors.

UNOFFICIAL COPY

E. On August 31, 2017, MBFS made a purchase money loan to Libero ("Loan 458001") to finance its purchase of five (5) 2016 Freightliner tractors.

F. On October 26, 2017, MBFS made a purchase money loan to Libero ("Loan 385001") to finance its purchase of two (2) 2016 Freightliner tractors.

G. On January 29, 2018, MBFS made a purchase money loan to Libero ("Loan 655001") to finance its purchase of three (3) 2018 Freightliner tractors.

H. On July 27, 2018, MBFS made a purchase money loan to Libero ("Loan 865001") to finance its purchase of six (6) 2017 Freightliner tractors.

I. On August 29, 2018, MBFS made a purchase money loan to Libero ("Loan 932001") to finance its purchase of two (2) 2017 Freightliner tractors.

J. On November 12, 2018, MBFS made a purchase money loan to Libero ("Loan 352001" and collectively with Loans 085001, 715001, 458001, 385001, 655001, 865001, 932001 the "MBFS Loans") to finance its purchase of one (1) 2019 Freightliner tractor (collectively with the twenty two (22) Freightliner tractors purchased from the proceeds of Loans 085001, 715001, 458001, 385001, 655001, 865001, 932001, 352001 the "Equipment Collateral").

K. Defendant Alexandra guaranteed Defendant Libero's timely performance of all obligations owing to MBFS under MBFS Loans pursuant to the terms of the guaranties dated April 20, 2017, August 17, 2017, August 31, 2017, October 26, 2017, and January 29, 2018 (the "Guaranties").

L. MBFS holds a properly perfected first lien and senior security interest in the Equipment Collateral.

M. On or about June 17, 2019, MBFS delivered notices of default to Libero and Alexandra and demanded return of the Equipment Collateral on September 13, 2019.

UNOFFICIAL COPY

N. MBFS filed its Verified Complaint for Replevin and Other Relief ("**Complaint**") on October 10, 2019.

O. On February 20, 2020, this Court entered an Order authorizing service on Libero via the Illinois Secretary of State. MBFS caused Libero to be served via the Illinois Secretary of State on February 27, 2020.

P. On July 28, 2020, this Court entered an order authorizing service by publication upon Alexandra pursuant to 735 ILCS 5/206(a). MBFS caused Notice to be published in the Chicago Law Bulletin for three (3) consecutive weeks as evidenced by the Certificate of Publication filed with the Court of August 24, 2020.

Q. MBFS filed the instant Motion for Default Judgment on October 13, 2020.

R. On November 13, 2020, the Court entered an order setting a briefing schedule for on the Motion; Defendant's response to the Motion was due on or before November 27, 2020.

S. No response to the Motion was filed.

IT IS HEREBY ORDERED:

1. The Motion is granted.
2. Defendants Libero Express, Inc. and Alexandra Music f/k/a Alexandra Postelnicescu are in default.
3. Judgment is entered in favor of MBFS against Defendant Libero Express on Counts I-IX;
4. Judgment is entered in favor of MBFS against Defendant Alexandra Music f/k/a Alexandra Postelnicescu on Counts IX-X;
5. The Defendants, and those acting in concert with the Defendant, shall take all necessary actions to protect, preserve, and maintain the Equipment Collateral in their possession and shall preserve all information in their possession relating to the Equipment Collateral;

UNOFFICIAL COPY

6. The Defendants, and those acting in concert with the Defendants, shall immediately transfer and surrender any Equipment Collateral in their possession to MBFS;
7. Attorneys' fees and costs are awarded to MBFS against Defendants in the amount of \$13,336.24;
8. Judgment is entered in favor of MBFS against Libero Express for the debt due under the MBFS Loans in the amount of \$2,107,229.19 as of September 30, 2020 plus interest at the judgment rate of 9% per annum (\$823.38 per day as of September 30, 2020);
9. Judgment is entered against Alexandra Music f/k/a Alexandra Postelnicescu, on Count X for the debt due under the Guaranty in the amount of \$2,107,229.19 as of September 30, 2020 plus interest at the judgment rate of 9% per annum (\$823.38 per day as of September 30, 2020); and
10. All parties and claims being disposed of on January 12, 2021, this matter is removed from the call and all future dates struck.

DATED: _____, 2021

By: _____

Hon. John J. Curry Jr.

ORDER PREPARED BY:
E. Philip Groben (ARDC# 6299914)
Email: pgroben@gcklegal.com
Attorney for Plaintiff
200 West Adams Street, Ste. 2425
Chicago, Illinois 60606
Email: pgroben@gcklegal.com
Phone: (312) 263-2200
Attorney No.: 31490

Judge John J. Curry, Jr.

JAN 12 2021

Circuit Court - 2126

