

# 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. )

LNZ EQUIPMENT LEASING, LLC, an Illinois )  
limited liability company; LNZ TRANSPORT, )  
INC., an Illinois corporation; TRUCKING )  
EXPERTS LLC, an Illinois limited liability )  
company; and LIUTAURAS ZEMAITIS, )  
an individual, )

Defendants. )

Case No. 2019-L-050411

Amount Claimed:  
\$3,711,057.87 plus costs

Judge James M. McGing  
Calendar 3  
Courtroom 2505



Doc# 2103419062 Fee \$88.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 02/03/2021 03:06 PM PG: 1 OF 6

### ORDER

Upon consideration of the Motion filed by Plaintiff Mercedes-Benz Financial Services USA LLC (“**MBFS**”) for Default Judgment (the “**Motion**”) against Defendants LNZ Equipment Leasing, LLC, LNZ Transport, Inc., and Trucking Experts LLC (the “**Defendants**”), with proper notice having been given and being duly advised in the premises:

#### **THE COURT FINDS:**

A. Defendant LNZ Equipment Leasing, LLC is an Illinois limited liability company, Defendant LNZ Transport, Inc. is an Illinois corporation, and Defendant Trucking Experts LLC is an Illinois limited liability company, and this Court has personal jurisdiction over the Defendants 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 ILCS 5/19-109.

C. On October 26, 2017, MBFS made a purchase money loan to Defendant LNZ Equipment Leasing, LLC (“**Loan 4001**”) to finance its purchase of twenty-five (25) Freightliner

# UNOFFICIAL COPY

tractors, and on February 27, 2018, MBFS made a second purchase money loan to Defendant LNZ Equipment Leasing, LLC ("**Loan 8001**") to finance its purchase of an additional five (5) Freightliner tractors (thirty (30) Freightliner tractors collectively referred to as the "**Equipment Collateral**").

D. Defendant LNZ Transport Inc. and Defendant Trucking Experts LLC guaranteed Defendant LNZ Equipment Leasing LLC's timely performance of all obligations owing to MBFS under Loan 4001 and Loan 8001 pursuant to the terms of a Continuing Cross Guaranty dated October 26, 2017 (the "**Guaranty**").

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

F. On May 9, 2019, Defendant LNZ Equipment Leasing, LLC defaulted on its obligations under Loan 4001 and Loan 8001.

G. MBFS filed its Verified Complaint for Replevin and Other Relief ("**Complaint**") on July 12, 2019.

H. On August 5, 2019, the Cook County Sheriff served the Complaint upon Defendants through their Registered Agent Lucky Star Management Corp. at 2130 W. 163rd Place, Markham, IL 60428.

I. MBFS filed a Motion for Order of Replevin (the "**Replevin Motion**") on August 20, 2019. MBFS provided notice of the Replevin Motion to Defendant LNZ Equipment Leasing, LLC.

J. On September 6, 2019, this Court entered an Order of Replevin with Notice Served (the "**Replevin Order**").

# UNOFFICIAL COPY

K. MBFS obtained a bond from Liberty Mutual Insurance Company in favor of Thomas J. Dart, Sheriff of Cook County (the “**Replevin Bond**”) to facilitate execution of the Replevin Order.

L. The Cook County Sheriff executed the Replevin Order on September 24, 2019 and MBFS recovered four (4) of the thirty (30) Freightliner tractors.

M. Defendant’s answers to the Complaint were due to be filed on or before September 4, 2019 and Defendants failed to appear, answer, or otherwise plead to the Complaint.

N. MBFS filed its Motion for Default Judgment on November 7, 2019.

O. Between September 6, 2019 and November 7, 2019, fourteen (14) of the thirty (30) Freightliner tractors have been voluntarily surrendered by Defendant LNZ Equipment Leasing, LLC to MBFS.

P. MBFS presented its Motion for Default Judgment to this Court on November 14, 2019, and no attorneys or representatives for the Defendants appeared or contested the relief sought by MBFS.

### IT IS HEREBY ORDERED:

1. The Motion is granted.
2. Defendants LNZ Equipment Leasing, LLC, LNZ Transport, Inc., and Trucking Experts LLC are in default. 4219013
3. Judgment is entered against LNZ Equipment Leasing, LLC on Count I of the Complaint for the balance due under Loan 4001 in the amount of \$3,285,110.44 as of the entry of judgment plus attorneys’ fees and costs MBFS incurred in pursuit of this action under the terms of Loan 4001 as set forth herein; 8301D  
42930
4. Judgment is entered against LNZ Equipment Leasing, LLC on Count II of the Complaint for the balance due under Loan 8001 in the amount of \$649,005.40 as of the date of 8301D  
42930

# UNOFFICIAL COPY

judgment plus attorneys' fees and costs MBFS incurred in pursuit of this action under the terms of Loan 8001 as set forth herein;

5. Judgment is entered against Defendants on Count III; 8301 D x 3

6. The Defendants, and those acting in concert with the Defendants, 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;

7. The Defendants, and those acting in concert with the Defendants, shall immediately transfer and surrender any Equipment Collateral in their possession to MBFS; 4337 D x 3

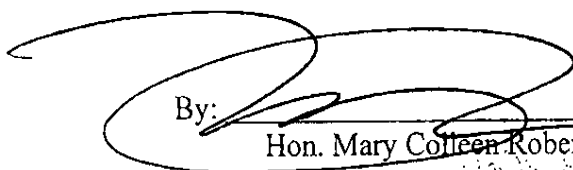
8. Attorneys' fees and costs are awarded to MBFS against LNZ Equipment Leasing, LLC, LNZ Transport, Inc., and Trucking Experts LLC, jointly and severally, in the amount of \$16,857.55. 42930

9. Judgment is entered against LNZ Transport, Inc. and Trucking Experts LLC, jointly and severally, on Count IV for the debt due under the Guaranty in the amount of \$3,950,973.39 as of the date of judgment; 8301 D x

10. MBFS may dispose of the Equipment Collateral currently in its control, and any additional Equipment Collateral that is recovered after entry of this Order, without further order of this Court in a commercially reasonable manner, and will apply the proceeds against the judgment amounts due and owing herein; and 4251

11. The Replevin Bond is released. 4426

DATED: November \_\_\_\_\_, 2019

By: 

Hon. Mary Colleen Roberts

ORDER PREPARED BY:  
Attorney No.: 31490  
E. Philip Groben

NOV 14 2019 KS  
CLERK OF THE CIRCUIT COURT  
JUDICIAL BRANCH 11

# UNOFFICIAL COPY

Attorney for Plaintiff  
200 West Adams Street, Ste. 2425  
Chicago, Illinois 60606  
Email: [pgroben@gcklegal.com](mailto:pgroben@gcklegal.com)  
Phone: (312) 263-2200

Property of Cook County Clerk's Office

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

# UNOFFICIAL COPY

Order

(Rev. 02/24/05) CCG N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Mercedes-Benz Financial Services  
v.

No. 2019 L-50411

LNF Equipment Leasing, LLC et.

ORDER

This matter is set for status on January 7, 2020 at 9:30 am.

Property of Cook County Clerk's Office

Attorney No.: 31490  
Name: Philip Grube  
Atty. for: Plaintiff  
Address: 200 W. Abing SE, Ste. 2425  
City/State/Zip: Chicago IL 60606  
Telephone: 312 263-2200

JUDGE MARY COLLEEN DELOACH 1927  
NOV 14 2019

I hereby certify that the document to which this certification is affixed is a true copy.  
**IRIS Y. MARTINEZ FEB 3**  
**IRIS Y. MARTINEZ**  
Clerk of the Circuit Court  
of Cook County, IL



Judge Judge's No.