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

LABORERS' PENSION FUND and	
LABORERS' WELFARE FUND OF THE	
HEALTH AND WELFARE DEPARTMENT )	•
OF THE CONSTRUCTION AND GENERAL )	
LABORERS' DISTRICT COUNCIL OF	)
CHICAGO AND VICINITY, and JAMES S.	
JORGENSEN,	
·	
Plaintiffs,	
	No. 06 C 1432
<b>v.</b>	) Judge Gottschall
GHEZZI MASONRY CONSTRUCTION, INC.,	
	)
Defendant,	)
AFFIDAVIT OF ROCO	O MARCELLO
STATE OF ILLINOIS)	
)	
COUNTY OF COOK )	
COUNTY OF COOK /	

Rocco Marcello, being first duly sworn on oath, deposes and states as follows:

- I am a Field Representative employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Ghezzi Masonry Construction, Inc. ("Ghezzi Masonry"). This affidavit is submitted in support of the Laborers' Funds' motion for reinstatement based on Ghezzi Masonry's default in payment obligations under the Installment Note and Settlement Agreement.
- 2. On September 27, 2007, Ghezzi Masonry Construction, Inc., by its President, Max Ghezzi, signed a Settlement Agreement and Release which provided for installments per month for unpaid contributions owed to the Funds two audit periods: June 1, 2001 through July 31, 2004, and

August 1, 2004 through April 30, 2006. The total amount of the note is \$12,982.74. The Company paid note payments through February 2009.

3. To date, the Funds have not received payments from March through the present, and

a balance is owed in the amount of \$2,982.74.

FURTHER AFFLANT SAYETH NOT.

Subscribed and sworn to before me this 41 day of June 2009.

"OFFICIAL SEAL" EUGENIA MASHOS Notary Public, State of Illinois

My Commission Expires 09/12/12