

EXHIBIT

1

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

STRUBE CELERY & VEGETABLE CO.,)
)
 Plaintiff,)
 v.)
 LEO PUSATERI & SONS, LEO)
 PUSATERI, JR., COSIMO PUSATERI,)
)
 Defendants/Judgment Debtors.)

Case No. 06 C 6227

RETURN OF SERVICE

I, Kenneth Mastny, am over 21 years of age and not a party to this case. I served the
 (Print server's name)

Citation in Supplemental Proceedings to Discover Assets, Third Party Citation Notice, and Judgment
 entered on January 10, 2007 on Elena Ghinea, Customer Service Manager
 (Name, Title)

by leaving a copy with him/her personally on February 19, 2010, at the hour of 1:15 PM
 at

U.S. Bank, 536 South York Road, Elmhurst, IL 60126
 (Location)

STATEMENT OF SERVICE FEES

<u>Travel</u>	<u>Services</u>	<u>Total</u>

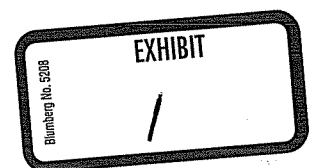
DECLARATION OF SERVICE

I declare under penalty of perjury under the Laws of the United States of America that the foregoing
 information contained in the Return of Service and Statement of Service Fees is true and correct.

Dated: 2/19/2010

Kenneth Mastny
 (Signature of Server)

1010 Jane Blvd. Suite 370, Oak Brook, IL 60523
 (Address of Server)



evidence of safety deposit boxes utilized by Suzanne Pusateri, Cosimo Pusateri, and/or Leo Pusateri, and evidence of collateral and/or security for loans made to them shall be produced.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which it may be entitled or which may be acquired by or become due to it and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to it, until the further order of the Court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the judgment.

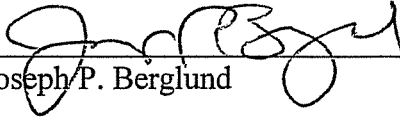
Judgment was entered in favor of the Plaintiff in the United States District Court for the Northern District of Illinois, Eastern Division, on the 10th day of January, 2007 in the aggregate sum of \$69,653.31, of which at least \$84,491.16, which includes interest, remains unsatisfied.

If you have any questions regarding this matter, please call Joseph P. Berglund at (630) 990-0234.

YOUR FAILURE TO COMPLY WITH THIS CITATION MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

CERTIFICATE OF ATTORNEY

The undersigned declares under penalty of perjury under the laws of the United States of America, that the information contained herein is true and correct.



Joseph P. Berglund

MICHAEL W. DOBBINS

CLERK OF COURT



DEPUTY CLERK

Date: FEB 19 2010

Attorneys For Plaintiff

Joseph P. Berglund
BERGLUND & MASTNY, P.C.
1010 Jorie Boulevard, Suite 370
Oak Brook, Illinois 60523-2229
(630) 990-0234

William B. Kohn
150 North Wacker Drive, Suite 1400
Chicago, IL 60606
(312)553-1200

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

STRUBE CELERY & VEGETABLE CO.,)	
)	
Plaintiff,)	
v.)	
)	
LEO PUSATERI & SONS, LEO)	
PUSATERI, JR., COSIMO PUSATERI,)	
)	Case No. 06 C 6227
Defendants,)	
v.)	
)	
SUBURBAN BANK & TRUST,)	
)	
Citation-Respondent.)	

THIRD PARTY CITATION NOTICE

Address of Judgment Debtor:	Leo Pusateri, Jr. 185 W. Vallette Street Elmhurst, IL 60126	Cosimo Pusateri 185 W. Vallette Street Elmhurst, IL 60126
Name and address of Attorney for Judgment Creditor:	Joseph P. Berglund BERGLUND & MASTNY, P.C. 1010 Jorie Boulevard, Suite 370 Oak Brook, Illinois 60523-2229	
Amount of Judgment:	\$69,653.31	
Name of Citation-Respondent:	U.S. Bank 536 York Street Elmhurst, IL 60126	
Return Date:	March 5, 2010 at 1:00 p.m.	

NOTICE: The Court has issued a Citation to Discover Assets ("Citation") against the Citation-Respondent named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The Citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by

federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owed by the debtor include the debtor's equity interest, not to exceed \$2,000.00 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$1,200.00 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$750.00 in value, in any implements, professional books or tools of the trade of the debtor.

The judgment debtor may have other possible exemptions from garnishment under the law.

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at Everett McKinley Dirksen Building located at 219 South Dearborn Street, Chicago, Illinois before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at Everett McKinley Dirksen Building located at 219 South Dearborn Street, Chicago, Illinois before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by "regular first class mail."

EXHIBIT

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

STRUBE CELERY & VEGETABLE CO.,)	
)	
Plaintiff,)	
v.)	No. 06 C 6227
)	
LEO PUSATERI & SONS, LEO PUSATERI, JR.,)	Judge Coar
and COSIMO PUSATERI,)	
)	
Defendants.)	

DECLARATION OF SERVICE

To: See Attached Service List

I, the undersigned, declare under penalties of perjury under the laws of the United States of America that I served a Third-Party Citations to Discover Assets issued against U.S. Bank, Certificate of Attorney, and Citation Notice, upon the individuals referenced above, at the address listed therein, by depositing copies thereof in the U.S. Mail at 1010 Jorie Blvd., Oak Brook, Illinois, with postage fully prepaid, on this 22nd day of February, 2010.



Odeta Paskevicius

Joseph P. Berglund
Kenneth M. Mastny
BERGLUND & MASTNY, P.C.
1010 Jorie Blvd., Suite 370
Oak Brook, Illinois 60523
Tel: (630) 990-0234
Fax: (630) 990-2900

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SERVICE LIST

1. Leo J. Pusateri, Jr.
185 W. Vallette Street
Elmhurst, Illinois 60126
2. Cosimo Pusateri
185 W. Vallette Street
Elmhurst, Illinois 60126

EXHIBIT

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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

STRUBE CELERY & VEGETABLE CO.,

Plaintiff,

v.

LEO PUSATERI & SONS, a partnership,
LEO PUSATERI JR., and COSIMO PUSATERI,

Defendants,

v.

U.S. Bank

Third-Party Defendant

FILED
MAR - 2 2010
3-2-2010
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

No. 06 C 6227

THIRD PARTY RESPONDENT ANSWER TO CITATION PROCEEDINGS

I Holly Sobella US Bank certifies under penalty of perjury pursuant to Sec. 1-109 of the Illinois Code of Civil Procedure
(Citation Respondent or Agent)

that the following statements are true and correct

- I. Respondent has no property of the Defendant in its possession.
- II. Respondent has no knowledge of any assets or income belonging to the Defendant.
- III. Respondent has property that belongs or may belong to the Defendant as follows:

If you require copies of customer records
Please contact our Legal Documents area at
612-303-7896

ANDREW WITTEHOLD

DEBTOR'S BALANCE

b) Savings Account \$	\$ 38,214.00
a) <input checked="" type="checkbox"/> Checking and/or Now Account \$	** Hard hold / freeze on
c) Certificate of Deposit \$	the bank account
d) Money Market Account \$	until August 18, 2010
e) Trust Account \$	
f) Wages, Salary or Commissions \$	
g) Safety Deposit Box	
h) Land Trust No.	
i) Other Property (Describe)	
j) Additional Information Relating to Debtor's Property:	

If you require copies of customer records
Please contact our Legal Documents area at
612-303-7896

- 1. Adverse Claimant: Name _____ Address _____ Amount _____
- 2. Right of Set Off: Basis: _____ Amount _____
- 3. Exemption: Basis: _____

Total of funds in Respondent's possession available to be applied to the judgment \$ 38,214.00 Feb. 19, 10
According to the records maintained by the Citation Respondent the above information is correct as of this date: _____

Respondent/Agent (type or print): H. Sobella
Agent Name: Holly Sobella, US Bank
877-247-9468
Feb. 19, 10

US BANK
PO BOX 30869
PD-OR-C2GN
Portland, OR 97294
H. Sobella
877-247-9468

Received Time Feb. 19. 2010 12:00PM No. 4055

EXHIBIT
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EXHIBIT

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

STRUBE CELERY & VEGETABLE CO.,)

Plaintiff,)

v.)

LEO PUSATERI & SONS, LEO)

PUSATERI, JR., COSIMO PUSATERI,)

Defendants,)

v.)

U.S. BANK,)

Citation-Respondent.)

Case No. 06 C 6227

Hon. David H. Coar

ORDER

THIS CAUSE COMING before the Court on Plaintiff's Motion for Turnover Order against U.S. BANK, due notice having been given and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that judgment is entered against U.S. Bank in the amount of \$38,214.00.

IT IS FURTHER ORDERED that U.S. Bank shall immediately turn over to Plaintiff's attorney, Berglund & Mastny, P.C., 1010 Jorie Boulevard, Suite 370, Oak Brook, Illinois 60523 the sum of \$38,214.00 plus any other sums of money deposited since February 19, 2010 up to a total amount of \$85,899.49 in a check made payable to Strube Celery & Vegetable Co.

Dated: _____

ENTERED: _____

Honorable David H. Coar
United States District Court Judge