

EXHIBIT

1

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

STRUBE CELERY & VEGETABLE CO.,)

Plaintiff,)

v.)

Case No. 06 C 6227

LEO PUSATERI & SONS, LEO)
PUSATERI, JR., COSIMO PUSATERI,)

Defendants/Judgment Debtors.)

RETURN OF SERVICE

I, Katherine Price, 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 Irena Bratko, Teller
(Name, Title)

by leaving a copy with him/her personally on December 28, 2009, at the hour of 3:25p at
Suburban Bank & Trust, ISDE. Butterfield, Elmhurst, IL
(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: 12/28/09

Katherine Price
(Signature of Server)
1010 Jorie Blvd, #310, Oak Brook, IL
(Address of Server)



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

STRUBE CELERY & VEGETABLE CO.,)

Plaintiff,)

v.)

Case No. 06 C 6227

LEO PUSATERI & SONS, LEO)

PUSATERI, JR., COSIMO PUSATERI,)

Defendants/Judgment Debtors.)

**CITATION IN SUPPLEMENTAL PROCEEDINGS
TO DISCOVER ASSETS**

TO: Any Officer or Agent
Suburban Bank & Trust
150 E. Butterfield Road
Elmhurst, IL 60126

YOU ARE HEREBY SUMMONED to be present at the law office of BERGLUND & MASTNY, P.C., 1010 Jorie Boulevard, Suite 370, Oak Brook, Illinois on the 14th day of January, 2010, at the hour of 1:00 p.m., and then and there to answer under oath such questions as may be put to you concerning the personal and real property of and/or indebtedness due the above named Defendant, and to abide the further order of the Court.

YOU ARE COMMANDED to produce at the examination all books, papers, or records in your possession or control which may contain information concerning the property or income of any Defendant or indebtedness due it.

The books and records to be produced include all records of Suzanne Pusateri, Leo Pusateri, and Cosimo Pusateri from January 1, 2009 through the present, including but not limited to: records of deposits, credit applications, wire transfers, withdrawals, canceled checks (including backside) over \$500.00, signature cards, electronic transfers, account closing checks, and bank statements for all accounts maintained by Suzanne Pusateri, Cosimo Pusateri, and/or Leo Pusateri, including, but not limited to, Account No. 1203130806. You are also commanded to produce all financial

statements, 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.

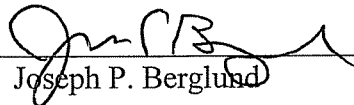
Judgment was entered in favor of the Plaintiff in the United States District Court for the Northern District of Illinois, Eastern Division, on the 10th day of January, 2007 in the aggregate sum of \$69,653.31, of which at least \$84,491.16, which includes interest, remains unsatisfied.

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

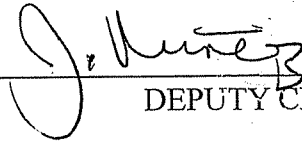
The undersigned declares under penalty of perjury under the laws of the United States of America, that the information contained herein is true and correct.



Joseph P. Berglund

MICHAEL W. DOBBINS

CLERK OF COURT



DEPUTY CLERK

Date: _____

12-28-09

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. Suzanne Pusateri
 185 W. Vallette Street 185 W. Vallette Street
 Elmhurst, IL 60126 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: Suburban Bank & Trust
 150 E. Butterfield Road
 Elmhurst, IL 60126

Return Date: January 14, 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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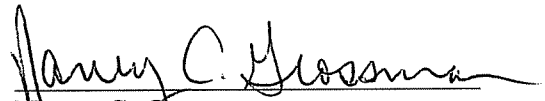
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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

CERTIFICATE OF SERVICE

To: See Attached Service List

I, the undersigned, under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedures, certify that I served a Third-Party Citations to Discover Assets issued against Suburban Bank and Trust and Suzanne Pusateri, 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 31st day of December, 2009.


Nancy C. Grossman

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. Suzanne R. Pusateri
185 W. Vallette Street
Elmhurst, Illinois 60126
3. 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,

No. 06 C 6227

v.

Suburban Bank & Trust

Third-Party Defendant

THIRD PARTY RESPONDENT ANSWER TO CITATION PROCEEDINGS

Suburban Bank & Trust 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:

	DEFENDANT'S BALANCE	AMOUNT WITHHELD
1) Savings Account \$		682.16
2) <input checked="" type="checkbox"/> Checking and/or Now Account \$		
3) Certificate of Deposit \$		
4) Money Market Account \$		
5) Trust Account \$		
6) Wages, Salary or Commissions \$		
7) Safety Deposit Box		
8) Land Trust No.		
9) Other Property (Describe)		
10) Additional Information Relating to Debtor's Property:		

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

Total of funds in Respondent's possession available to be applied to the judgment \$ _____

According to the records maintained by the Citation Respondent the above information is correct as of this date: 11/23/10

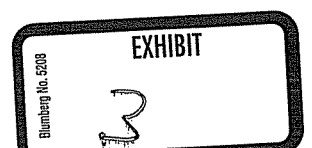
Respondent/Agent (Type or Print):

Agent Name: Peggy Marabanian

Peggy Marabanian
Agent for Citation Respondent

Business Name: Suburban Bank & Trust

Address: 372 n Wood Dale Rd Wood Dale, IL 60191



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.)

SUBURBAN BANK & TRUST,)

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 SUBURBAN BANK & TRUST, due notice having been given and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that judgment is entered against SUBURBAN BANK & TRUST in the amount of \$682.16.

IT IS FURTHER ORDERED that SUBURBAN BANK & TRUST shall immediately turn over to Plaintiff's attorney, Berglund & Mastny, P.C., 1010 Jorie Boulevard, Suite 370, Oak Brook, Illinois 60523 the sum of \$682.16 plus any other sums of money deposited since January 13, 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