

06C6992
EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,)	06 C 6992
)	
v.)	
)	Judge Manning
J&L CONCRETE, INC., an Illinois corporation)	
)	Magistrate Cole
Defendant.)	

DECLARATION OF KEVIN P. MCJESSY

I, Kevin P. McJessey, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

1. I am one of the attorneys representing the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program, and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively “the Trust Funds”) in the above-captioned lawsuit (“Lawsuit”) against J&L CONCRETE, INC. (“Defendant”).
2. I have been licensed to practice law in the State of Illinois and the United States District Court for the Northern District of Illinois since 1995. I am an attorney with McJessey, Ching & Thompson, LLC (“MC&T”).
3. As part of my practice, I handle claims under ERISA. I personally represented the Trust Funds in this Lawsuit. I have represented the Trust Funds in this Lawsuit since its inception.
4. The Trust Funds have incurred \$11,969.21 in fees and expenses to compel Defendant to comply with its obligations under the terms of the Collective Bargaining

Agreement and applicable trust agreements. A copy of the billing statement from MC&T from the inception of this lawsuit to the present, redacted to protect privileged communications, is attached as Exhibit C-1.

a) **Fees.** The Trust Funds have collectively incurred fees totaling \$11,304.00 for 70.0 hours of attorney services. The hourly rate for attorneys at MC&T is \$160 per hour. The Trust Funds have collectively incurred fees totaling \$180.00 for 3.0 hours of paralegal time. The hourly rate for paralegals at MC&T is \$60 per hour. The Trust Funds incurred these fees in connection with efforts to obtain Defendant's compliance with the terms of the Collective Bargaining Agreement and Trust Agreements.

b) **Costs.** The Trust Funds incurred \$485.21 in expenses for court costs, process server charges, photocopy charges, legal research charges and postage charges.

5. The attorneys' fees, paralegal fees and costs charged to the Trust Funds in this matter are consistent with MC&T's regular charges for services to the Trust Funds on similar matters.

6. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER DECLARANT SAYETH NOT.



Kevin P. McJessey

06 C 6992

EXHIBIT C-1

Client Ledger

ALL DATES

Date	Received From/Paid To	Chq#	General		Fees	Bld	Trust Activity					
			Rec#	Rcpts			Disbs	Inv#	Acc	Rcpts	Disbs	Balance
1000	Chicago Regional Council of Carpenters											
0083-jlco	J&L Concrete, Inc.											Resp Lawyer: KM
Oct 18/2006	Billing on Invoice 1716											
16512					0.00		1716					
Nov 13/2006	Lawyer: KM 2.20 Hrs X 160.00											
17466	Reviewed file materials; prepared complaint; reviewed summons, civil cover sheets and appearance.					352.00	1765					
Nov 14/2006	Lawyer: SK 0.20 Hrs X 60.00											
16716	Prepared civil cover sheet, summons and attorney appearance.					12.00	1765					
Nov 22/2006	Billing on Invoice 1741											
17064					0.00		1741					
Nov 30/2006	Expense Recovery											
17132	Photocopy Recovery	00092			5.70		1765					
Dec 18/2006	United States District Court											
17235	Filing Fee	1911			350.00		1782					
Dec 19/2006	Lawyer: SK 0.40 Hrs X 60.00											
17244	Filed complaint and related documents with clerk of court; delivered summons and complaint to process server for service.					24.00	1782					
Dec 29/2006	Stern Process & Investigation, LI											
17308	Process Server recovery -	1924			55.00		1782					
Dec 29/2006	Lawyer: SK 0.10 Hrs X 60.00											
17330	Filed affidavit of service of summons and complaint electronically with court's CM/ECF system.					6.00	1782					
Dec 31/2006	Expense Recovery											
17317	Photocopy Recovery	00094			4.00		1782					
Jan 9/2007	Billing on Invoice 1765											
17766	FEES 364.00 DISBS				5.70		1765					
Jan 9/2007	Lawyer: KM 0.20 Hrs X 160.00											
18628	Call from M. Polermo re: representing J&L Concrete re: arrangements for audit.					32.00	1816					
Jan 10/2007	Lawyer: KM 0.30 Hrs X 160.00											
18639	Confer with J. Holleb re: representation of J&L Concrete and requests extension of time.					48.00	1816					
Jan 18/2007	Lawyer: KM 0.10 Hrs X 160.00											
18747	Reviewed order of Judge Manning.					16.00	1816					
Jan 24/2007	Billing on Invoice 1782											
18141	FEES 30.00 DISBS				409.00	0.00	1782					
Feb 1/2007	Chicago Regional Council of Carpe											
18383	PMT -	00324	369.70									
Feb 9/2007	Lawyer: KM 0.20 Hrs X 160.00											
19018	Confer with J. Holleb re: representing J&L Concrete.					32.00	1816					
Feb 12/2007	Lawyer: KM 0.70 Hrs X 160.00											
19024	Confer with J. Holleb re: documents requested for audit; confer with N. Lagalo re: [REDACTED] confer with Legacy re: audit status; confer with M. Ragona re: audit of J&L Untiedt and J&L Concrete.					112.00	1816					
Feb 14/2007	Lawyer: KM 0.10 Hrs X 160.00											
18707	Prepared correspondence to K. Newell re: [REDACTED]					16.00	1816					
Feb 19/2007	Lawyer: KM 0.50 Hrs X 160.00											
18892	Confer with N. Lagalo re: [REDACTED] reviewed file materials; Forward [REDACTED] to N. Lagalo.					80.00	1816					
Feb 20/2007	Lawyer: KM 0.20 Hrs X 160.00											
18918	Reviewed correspondence from N. Lagalo re: [REDACTED]					32.00	1816					
Feb 23/2007	Chicago Regional Council of Carpe											
18509	PMT -	00334	439.00									
Mar 14/2007	Billing on Invoice 1816											
19179	FEES 368.00				0.00		1816					
Mar 14/2007	Lawyer: KM 0.40 Hrs X 160.00											
19571	Reviewed record request forms; prepared correspondence to J. Holleb forwarding requests for records.					64.00	1845					
Mar 15/2007	Lawyer: KM 1.50 Hrs X 160.00											
19580	Appeared in court before Judge Manning for status hearing; confer with J. Holleb re: results of hearing and follow					240.00	1845					

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ALL DATES

Date	Received From/Paid To	Chq#	General		Fees	Bld	Trust Activity			
			Repts	Disbs			Inv#	Acc	Repts	Disbs
Entry #	Explanation	Rec#								
Mar 16/2007	up on requests. Lawyer: KM 0.30 Hrs X 160.00									
19252	Reviewed court order from B. Manning; confer with J. Holleb re: reviewed relationships of companies and record production.				48.00	1845				
Mar 28/2007	Chicago Regional Council of Carpe									
19333	PMT -	00340	368.00							
Apr 3/2007	Lawyer: KM 0.20 Hrs X 160.00									
20717	Prepared correspondence to J. Sopata re: summary and coverage of 4/5/07 hearing.				32.00	1903				
Apr 5/2007	Lawyer: ATT 1.20 Hrs X 160.00									
19498	Appearance at status call and entry of order continuing status call in absence of defendant.				192.00	1903				
Apr 5/2007	Lawyer: KM 0.10 Hrs X 160.00									
20724	Reviewed court order of Judge Manning.				16.00	1903				
Apr 19/2007	Billing on Invoice 1845									
20161	FEES 352.00			0.00		1845				
Apr 20/2007	PACER									
20184	PACR	2049		0.40		1903				
Apr 26/2007	Lawyer: KM 0.40 Hrs X 160.00									
20863	Reviewed file materials re: status of audit response; call to J. Holleb re: inquiry on record production.				64.00	1903				
Apr 27/2007	Lawyer: KM 0.20 Hrs X 160.00									
20874	Confer with J. Holleb re: document production in J&L Concrete.				32.00	1903				
Apr 30/2007	Chicago Regional Council of Carpe									
20393	PMT -	00361	352.00							
May 8/2007	Lawyer: KM 1.30 Hrs X 160.00									
20939	Appeared in court before Judge Manning re: status hearing.				208.00	1903				
Jun 8/2007	Billing on Invoice 1903									
21357	FEES 544.00 DISBS 0.40			0.00		1903				
Jun 15/2007	Lawyer: KM 0.30 Hrs X 160.00									
21558	Conferences with N. Lagalo re: [REDACTED]				48.00	1935				
Jun 18/2007	Lawyer: KM 0.20 Hrs X 160.00									
21556	Reviewed record request from Trust Funds to J&L Concrete; confer with J. Holleb re: unable to appear tomorrow request status date in 28 days, July 17th by agreement.				32.00	1935				
Jun 19/2007	Lawyer: KM 0.90 Hrs X 160.00									
21566	Meeting with Judge Manning's clerk re: discussed whether case is up for status, committed order and resetting status hearing for 7/17/07 by agreement of the parties and accommodation of the court.				144.00	1935				
Jun 22/2007	Chicago Regional Council of Carpe									
21684	PMT -	00399	544.40							
Jul 13/2007	Billing on Invoice 1935									
22021	FEES 224.00			0.00		1935				
Jul 17/2007	Lawyer: KM 1.30 Hrs X 160.00									
22072	Confer with N. Lagalo re: [REDACTED] appeared in court before Judge Manning re: status hearing;				208.00	1945				
Jul 18/2007	Lawyer: KM 0.30 Hrs X 160.00									
22089	Call to J. Holleb re: results of hearing on 7/18, no response to document request and answer due; confer with J. Holleb re: results of hearing; prepared correspondence to J. Holleb re: forwarding record request;				48.00	1945				
Jul 18/2007	Lawyer: KM 0.20 Hrs X 160.00									
22301	Follow up with J. Holleb on status of audit by forwarding auditors requests asked for by J. Holleb.				32.00	1945				
Jul 20/2007	PACER									
22110	PACR	2140		0.48		1945				
Jul 30/2007	Chicago Regional Council of Carpe									
22289	PMT -	00412	224.00							
Jul 30/2007	Lawyer: KM 0.30 Hrs X 160.00									
22316	Reviewed answer from J&L				48.00	1945				

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Date	Received From/Paid To Entry # Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity			
			Repts	Disbs			Repts	Disbs	Balance	
	Concrete's counsel; confer with N. Lagalo re: [REDACTED]									
	[REDACTED]; confer with J. Holleb re: status of record production.									
Jul 31/2007	Lawyer: KM 0.90 Hrs X 160.00									
22337	Appeared in court before Judge Manning for status hearing on audit and answer by defendant; confer with J. Holleb re: client willing to consent to audit, make arrangements through him.				144.00	1945				
Aug 9/2007	Lawyer: KM 0.10 Hrs X 160.00									
22405	Call to N. Lagalo re: arrangements with J. Holleb to get additional records for the audit of J&L.				16.00	1971				
Aug 10/2007	Lawyer: KM 1.50 Hrs X 160.00									
23892	Telephone call from N. Lagalo re: [REDACTED]; reviewed file materials, notes and documents relevant to scope of audit; Westlaw research re: successor liability issues; confer with N. Lagalo re: [REDACTED]				240.00	1971				
Aug 15/2007	Lawyer: KM 0.20 Hrs X 160.00									
23893	Call from C. Toblesky re: arrangements for audit of J&L per instructions of N. Lagalo, confirming whether any dates in this matter are upcoming; reviewed file notes.				32.00	1971				
Aug 21/2007	Lawyer: KM 0.20 Hrs X 160.00									
23894	Reviewed correspondence from N. Lagalo re: [REDACTED]; call to N. Lagalo re: [REDACTED]				32.00	1971				
Aug 22/2007	Lawyer: KM 0.10 Hrs X 160.00									
23723	Reviewed correspondence from N. Lagalo re: [REDACTED]				16.00	1971				
Aug 23/2007	Lawyer: KM 0.50 Hrs X 160.00									
22665	Confer with C. Toblesky re: scheduling of audit with M. Borgas; reviewed and responded to correspondence from C. Toblesky re: audit scheduled for October 4, 2007.				80.00	1971				
Aug 29/2007	Billing on invoice 1945									
23161	FEES 480.00 DISBS 0.48			0.00		1945				
Sep 12/2007	Lawyer: KM 0.10 Hrs X 160.00									
23352	Call to J. Holleb re: hearing for 9/12.				16.00	1971				
Sep 13/2007	Lawyer: KM 1.20 Hrs X 160.00									
23387	Appeared in court before Judge Manning for status hearing.				192.00	1971				
Sep 14/2007	Chicago Regional Council of Carpe									
23370	PMT -	00424	480.48							
Sep 21/2007	Thomson West									
23557	Westlaw -	2218		34.55		1971				
Oct 1/2007	Billing on Invoice 1971									
24319	FEES 624.00 DISBS 34.55			0.00		1971				
Oct 12/2007	Lawyer: KM 0.10 Hrs X 160.00									
25070	Reviewed correspondence from N. Lagalo re: [REDACTED]				16.00	2088				
Oct 18/2007	Lawyer: KM 0.10 Hrs X 160.00									
25119	Reviewed correspondence from C. Toblesky re: postponed audit due by J&L, review of J&L's records and need for follow up information.				16.00	2088				
Oct 19/2007	Chicago Regional Council of Carpe									
24643	PMT -	00442	658.55							
Oct 25/2007	Lawyer: KM 1.50 Hrs X 160.00									
24751	Confer with C. Toblesky re: status of audit, additional documents and follow up; appeared in court for hearing before Judge Manning re:				240.00	2088				

Date	Received From/Paid To	Chq#	----- General -----		Fees	Bld	----- Trust Activity -----			Balance
Entry #	Explanation	Rec#	Repts	Disbs		Inv#	Acc	Repts	Disbs	
	status on audit; reviewed and responded to correspondence from C. Toblesky re: arrangements for completing audit, next hearing date and notice that Court would like matter resolved by 12/04/07.									
Nov 7/2007 24950	Lawyer: KM 0.20 Hrs X 160.00 Confer with C. Toblesky re: audit issues and failure to produce records by J&L Concrete; reviewed file materials re: status of demands for records.				32.00	2149				
Nov 8/2007 24948	Lawyer: KM 0.30 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: missing documents; prepared correspondence to J. Holleb re: follow up on missing documents; call to J. Holleb re: follow up on correspondence and missing records.				48.00	2149				
Nov 13/2007 25486	Billing on Invoice 2088 FEES 272.00			0.00		2088				
Nov 14/2007 25553	Lawyer: KM 0.20 Hrs X 160.00 Call to J. Holleb re: follow up on J&L compliance with the audit; prepared correspondence to C. Toblesky re: follow up on production of documents for audit.				32.00	2149				
Nov 21/2007 26395	Lawyer: KM 0.70 Hrs X 160.00 Telephone call with C. Toblesky re: audit issues, records and J&L Concrete's ongoing failure to respond; follow up call from C. Toblesky; prepared correspondence to J. Holleb re: J&L has still not produced the records; reviewed and responded to correspondence from C. Toblesky re: call from Mike Borjas and promise by him to produce records.				112.00	2149				
Nov 27/2007 25708	Lawyer: KM 0.70 Hrs X 160.00 Telephone call from C. Toblesky re: still no audit cooperation; prepared correspondence to J. Holleb re: follow up on J&L's failure to follow through on audit; telephone call from C. Toblesky re: contact with J&L but documents may not be available by Friday; prepared correspondence to J. Holleb re: forwarding letter via email and notice that J&L is dragging its feet.				112.00	2149				
Nov 30/2007 25753	Lawyer: KM 0.20 Hrs X 160.00 Telephone call from C. Toblesky re: still no contact from J&L Concrete despite follow ups; telephone call to J. Holleb re: relayed on-going noncooperation by J&L Concrete; prepared correspondence to J. Holleb re: confirming same.				32.00	2149				
Dec 3/2007 25767	Chicago Regional Council of Carpe PMT -	00460	272.00							
Dec 4/2007 27597	Lawyer: KM 1.80 Hrs X 160.00 Confer with J. Holleb re: J&L cooperation with audit; confer with J. Holleb and C. Toblesky re: audit and documents to be produced; appeared before Judge Manning re: difficulty completing audit; reviewed correspondence from C. Toblesky re: notices to J&L Concrete; prepared correspondence to J. Holleb re: request confirmation that he has received C. Toblesky's email and detailed request for documents; reviewed correspondence from J. Holleb re: confirming receipt of C. Toblesky's request for records.				288.00	2240				

Client Ledger

ALL DATES

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity		
				Repts	Disbs			Repts	Disbs	Balance
Dec 6/2007	27078	Lawyer: KM 0.10 Hrs X 160.00 Reviewed court order setting next status hearing and ordering all information to be delivered to the auditors by 12/21/07.				16.00	2240			
Dec 21/2007	27540	Lawyer: KM 0.10 Hrs X 160.00 Prepared correspondence to K. Toblesky re: inquiry on whether documents were produced by court-imposed deadline.				16.00	2240			
Dec 27/2007	26751	Lawyer: KM 0.20 Hrs X 160.00 Reviewed and responded to correspondence from C. Toblesky re: documents not received, cannot complete audit; prepared correspondence to J. Holleb re: forwarding notice from auditor that documents have not been produced in accordance with Court's order.				32.00	2240			
Dec 27/2007	27550	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: no cooperation from J&L Concrete, no documents produced; telephone call to J. Holleb re: no cooperation from J&L Concrete and inquire whether it intends to comply with court order; prepared correspondence to J. Holleb re: forwarding notice from C. Toblesky.				16.00	2240			
Dec 28/2007	26613	Billing on Invoice 2149 FEES 368.00			0.00		2149			
Dec 28/2007	26750	Lawyer: KM 0.60 Hrs X 160.00 Prepared correspondence to J. Holleb re: follow up on documents that were supposed to be produced by 12/21/07; reviewed second referral file for unpaid contributions.				96.00	2240			
Dec 30/2007	27599	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Holleb re: further request to call him on 12/31 to follow up on J&L Concrete's position.				16.00	2240			
Dec 31/2007	26779	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Holleb re: request for call; telephone call to J. Holleb re: J&L not responding but he will keep trying, has forwarded on order and correspondence.				16.00	2240			
Dec 31/2007	26942	Expense Recovery Photocopy Recovery	00119		1.68		2240			
Jan 7/2008	26873	Lawyer: KM 0.10 Hrs X 160.00 Telephone call to J. Holleb re: follow up on documents to be produced by J&L Concrete.				16.00	2247			
Jan 8/2008	28404	Lawyer: KM 1.30 Hrs X 160.00 Appeared for hearing before Judge Manning re: status of J&L's noncompliance with prior court order.				208.00	2247			
Jan 10/2008	27024	Lawyer: KM 0.10 Hrs X 160.00 Reviewed motion to withdraw filed by J. Holleb.				16.00	2247			
Jan 14/2008	28223	Lawyer: KM 0.10 Hrs X 160.00 Reviewed court order of Judge Manning.				16.00	2247			
Jan 25/2008	27311	Chicago Regional Council of Carpe PMT -	00489	368.00						
Jan 29/2008	28405	Lawyer: KM 1.70 Hrs X 160.00 Appeared in court before Judge Manning for hearing on motion to withdraw by J. Holleb; confer with M. Borgas and J. Holleb re: agreement by J&L to produce remaining records; prepared correspondence to C. Toblesky and N. Lagalo re:				272.00	2247			
Jan 30/2008	28386	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: efforts to contact				16.00	2247			

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				Repts	Disbs		Inv#	Acc	Repts	Disbs	
	30420	Prepared correspondence to C. Vene re: forwarding court order; re-reviewed order of Judge Manning and diaried applicable compliance dates.				32.00		2383			
Apr 30/2008	30101	Expense Recovery									
Apr 30/2008	30866	Photocopy Recovery Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: failed efforts to schedule the audit with J&L Concrete.	00126		10.56			2383			
May 12/2008	30295	Chicago Regional Council of Carpe PMT -	00549	802.00							
May 20/2008	30544	Lawyer: KM 1.20 Hrs X 160.00 Appeared in front of Judge Manning re: hearing on J&L Concrete's compliance with court order ordering an audit; confer with C. Kogut re: current status of audit, no cooperation from the defendant.				192.00		2549			
May 21/2008	30597	Lawyer: KM 0.10 Hrs X 160.00 Reviewed docket entry from Judge Manning.				16.00		2549			
May 23/2008	32126	Lawyer: KM 0.40 Hrs X 160.00 Edited and revised motion for rule to show cause and draft order.				64.00		2549			
May 23/2008	32659	Lawyer: ATT 1.20 Hrs X 160.00 Draft motion for rule to show cause with draft order; reviewed file materials to prepare motion and order.				192.00		2549			
May 29/2008	30965	Billing on Invoice 2383 FEES 208.00 DISBS 15.68			0.00			2383			
May 30/2008	31251	Lawyer: KM 0.50 Hrs X 160.00 Reviewed and revised motion for rule to show cause; drafted declaration of C. Toblesky; prepared correspondence to C. Toblesky re: forwarding declaration for his review and signature.				80.00		2549			
Jun 3/2008	32252	Lawyer: KM 0.40 Hrs X 160.00 Confer with C. Toblesky re: status of audit and declaration to support motion for rule to show cause; prepared correspondence to C. Toblesky re: forwarding revised declaration; edited and revised motion for rule to show cause.				64.00		2549			
Jun 4/2008	31382	Lawyer: SK 0.40 Hrs X 60.00 Prepared notice of motion; filed motion for rule to show cause electronically with court; prepared correspondence to R. Hunt, deputy to Judge Manning, forwarding courtesy copy of motion; confer with R. Hunt re: striking status date of 6/5/08.				24.00		2549			
Jun 4/2008	32216	Expense Recovery Postage Recovery	00130		2.68			2549			
Jun 12/2008	32375	Lawyer: KM 1.70 Hrs X 160.00 Appeared in court before Judge Manning re: hearing on rule to show cause motion against C. Vene, attorney appeared, motion continued.				272.00		2549			
Jun 17/2008	31590	Chicago Regional Council of Carpe PMT -	00571	223.68							
Jun 17/2008	32404	Lawyer: KM 0.10 Hrs X 160.00 Reviewed docket entry of Judge Manning re: hearing continued along with rule to show cause motion.				16.00		2549			
Jun 30/2008	32180	Expense Recovery Photocopy Recovery	00129		2.76			2549			
Jul 10/2008	33311	Lawyer: KM 1.80 Hrs X 160.00 Confer with C. Kogut re: inquiry on status of audit; reviewed prior requests by auditors for information; prepared correspondence to C. Toblesky re: direction to issue additional requests to				288.00		2611			

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	----- General -----		Fees	Bld ----- Trust Activity -----		Balance
				Rcpts	Disbs		Inv#	Acc	
		J&L Concrete with copy to its counsel; prepared correspondence to J. Rose re: forwarding auditor's prior requests for information; confer with J. Rose re: agreement on hearing and compliance with audit; appeared in court before Judge Manning re: status hearing and report on audit.							
Jul 15/2008	32690	Billing on Invoice 2549 FEES 920.00 DISBS 5.44			0.00		2549		
Jul 16/2008	33399	Lawyer: KM 0.20 Hrs X 160.00 Reviewed and responded to correspondence from C. Toblesky re: failed efforts to contact J&L and forward contact information for its new attorney so he can pursue that avenue.				32.00	2611		
Jul 17/2008	32807	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: notice to J. Rose, counsel for J&L, of audit request documents.				16.00	2611		
Jul 28/2008	32918	Chicago Regional Council of Carpe PMT -	00584	925.44					
Jul 28/2008	32927	PACER PACR	2581		0.40		2611		
Jul 28/2008	32961	Lawyer: KM 0.60 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: issues related to audit and no cooperation; telephone call to J. Rose's office re: follow up; prepared correspondence to J. Rose re: confirmation will renew rule to show cause if we do not hear from him.				96.00	2611		
Aug 14/2008	34159	Lawyer: KM 1.70 Hrs X 160.00 Prepared correspondence to C. Toblesky re: inquiry on status of audit; reviewed correspondence from C. Toblesky re: still no contact with C. Vene despite efforts; appeared in court for hearing on status of compliance with Court's order directing defendant to submit to an audit.				272.00	2678		
Aug 20/2008	33665	Billing on Invoice 2611 FEES 432.00 DISBS 0.40			0.00		2611		
Aug 21/2008	33641	Lawyer: KM 0.10 Hrs X 160.00 Reviewed docket entry of Judge Manning received 8/19/08.				16.00	2678		
Sep 3/2008	33941	Chicago Regional Council of Carpe PMT -	00596	432.40					
Sep 4/2008	33999	Lawyer: KM 0.10 Hrs X 160.00 Reviewed and responded to correspondence from J. Rose re: audit arrangements; prepared correspondence to C. Toblesky re: forwarding correspondence from J. Rose and directing follow up.				16.00	2768		
Sep 15/2008	34404	Billing on Invoice 2678 FEES 288.00			0.00		2678		
Sep 16/2008	34472	Lawyer: KM 1.30 Hrs X 160.00 Confer with C. Toblesky re: audit status; confer with C. Vene and J. Rose re: audit arrangements; appeared in court for continued hearing on rule to show cause.				208.00	2768		
Sep 22/2008	34861	Lawyer: KM 0.10 Hrs X 160.00 Reviewed minute order of Judge Manning.				16.00	2768		
Sep 29/2008	34973	Lawyer: KM 0.10 Hrs X 160.00 Prepared correspondence to C. Toblesky re: status of audit.				16.00	2768		
Oct 1/2008	35431	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: current status of efforts to obtain audit, no communication from C. Vene, owner of J&L.				16.00	2840		

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld		Trust Activity		Balance
				Repts	Disbs		Inv#	Acc	Repts	Disbs	
Oct 15/2008	35591	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: summary of efforts to call C. Vene and his failure to respond to all overtures.				16.00	2840				
Oct 17/2008	35080	Billing on Invoice 2768 FEES 256.00			0.00		2768				
Oct 20/2008	35128	Chicago Regional Council of Carpe PMT -	00625	288.00							
Nov 6/2008	35334	Chicago Regional Council of Carpe PMT -	00629	256.00							
Nov 13/2008	35429	Lawyer: KM 1.60 Hrs X 225.00 Prepared correspondence to C. Toblesky re: status of audit; reviewed correspondence from C. Toblesky re: defendant not cooperating, no audit; appeared in court for hearing on continued motion for rule to show cause, case continued to 12/04/08 at which time Mr. Vene must appear.				360.00	2841				
Nov 21/2008	36902	Billing on Invoice 2840 FEES 32.00			0.00		2840				
Dec 3/2008	37150	Lawyer: KM 0.10 Hrs X 160.00 Reviewed order of Judge Manning re: reset hearing date; diaried new hearing date.				16.00	2888				
Dec 9/2008	37203	Lawyer: KM 2.30 Hrs X 160.00 Appeared in court for hearing on continued motion for rule to show cause; confer with C. Vene and J. Rose re: production of records and documents showing liens by bank; reviewed court order of Judge Manning and diaried court date.				368.00	2888				
Dec 10/2008	37220	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from C. Toblesky re: status of J&L audit, no cooperation, no returned calls from C. Vene or J&L's counsel.				16.00	2888				
Dec 11/2008	37235	Lawyer: KM 0.40 Hrs X 160.00 Prepared correspondence to S. Bright, counsel for American Charter Bank, re: bank that is in possession of property needs to make records available for audit purposes.				64.00	2888				
Dec 12/2008	37098	Expense Recovery Postage Recovery	00142	0.42			2888				
Dec 15/2008	37257	Lawyer: KM 0.10 Hrs X 160.00 Reviewed court order of Judge Manning re: reset court hearing to 01/08/09 on rule to show cause.				16.00	2888				
Dec 16/2008	37265	Lawyer: KM 0.10 Hrs X 160.00 Reviewed court order of Judge from Judge Manning re: status hearing held on 12/9, rule to show cause held and continued to 1/8/09 with C. Vene to be present.				16.00	2888				
Dec 22/2008	36929	Chicago Regional Council of Carpe PMT -	00652	32.00							
Dec 23/2008	36943	Billing on Invoice 2841 FEES 360.00			0.00		2841				
Jan 5/2009	37073	Lawyer: KM 0.10 Hrs X 160.00 Telephone call to A. Rome re: follow up on production of records.				16.00	2952				
Jan 6/2009	37859	Lawyer: KM 1.40 Hrs X 160.00 Confer with A. Rome re: follow up on production of records by bank in possession of J&L Concrete's property; reviewed materials related to bank foreclosure of J&L Concrete property; legal research re: foreclosure litigation against J&L Concrete.				224.00	2952				
Jan 8/2009	37879	Lawyer: KM 1.90 Hrs X 160.00 Appeared in court before Judge Manning re: continued hearing on rule to show cause for C. Vene's failure to produce books and records pursuant to court order.				304.00	2952				

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld		Trust Activity		Balance
				Repts	Disbs		Inv#	Acc	Repts	Disbs	
Jan 9/2009	37396	Billing on Invoice 2888 FEES 496.00 DISBS 0.42			0.00			2888			
Jan 12/2009	37482	Chicago Regional Council of Carpe PMT -	00659	360.00							
Jan 14/2009	37924	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Manning re: continued hearing on rule to show cause hearing; diaried next court date.				16.00		2952			
Jan 28/2009	37655	Chicago Regional Council of Carpe PMT -	00666	496.42							
Feb 12/2009	38642	Lawyer: KM 1.90 Hrs X 160.00 Appeared in court before Judge Manning on hearing on motion for rule to show cause against C. Vene.				304.00		3002			
Feb 17/2009	38141	Billing on Invoice 2952 FEES 560.00			0.00			2952			
Feb 20/2009	38327	Expense Recovery Postage Recovery	00145		0.42			3002			
Feb 20/2009	38746	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Manning re: setting hearing date.				16.00		3002			
Mar 4/2009	39374	Lawyer: KM 2.10 Hrs X 160.00 Prepared correspondence to J. Rose re: consent letter to C. Vene to submit records for an audit. Telephone call with J. Rose re: whether he can get his client to sign and return the consent letter today. Prepared correspondence to A. Rome, counsel for American Charter Bank re: forwarding letter to J. Rose and C. Vene. Telephone call with A. Rome, counsel for American Charter Bank re: whether the consent letter is sufficient for ACB's purpose of giving auditor access to records on-site. Reviewed correspondence from A. Rome re: forwarding foreclosure complaint. Reviewed foreclosure complaint against United Asset Management and United Concrete. Reviewed correspondence from J. Rose re: forwarding signed consent letter from C. Vene. Prepared correspondence to J. Rome and C. Toblesky re: forwarding signed consent order and asking C. Toblesky to make arrangements with A. Rome to get audit completed.				336.00		3115			
Mar 5/2009	39375	Lawyer: KM 1.80 Hrs X 160.00 Appeared in court for status hearing before Judge Manning re: status of audit and pending rule to show cause motion; reviewed ECF court order of Judge Manning re: set status hearing and diaried court date.				288.00		3115			
Mar 10/2009	39437	Lawyer: KM 0.50 Hrs X 160.00 Reviewed file for notice to auditor and A. Rome to make audit arrangements; prepared correspondence to C. Toblesky, A. Rome and N. Lagalo re: direction to follow up with arrangements for the audit. Telephone call from C. Toblesky re: follow up on scheduling audit with bank in possession of property, discussed timeline for completion of audit and preparation of audit report prior to 4/20/09 status hearing.				80.00		3115			
Mar 12/2009	38882	Billing on Invoice 3002 FEES 320.00 DISBS 0.42			0.00			3002			
Mar 13/2009	38991	Chicago Regional Council of Carpe PMT -	00681	560.00							

Client Ledger
ALL DATES

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity		
				Repts	Disbs			Repts	Disbs	Balance
Mar 13/2009	39494	Lawyer: KM 0.20 Hrs X 160.00 Reviewed draft loan agreements produced by J. Rose for J&L Concrete related entities.				32.00	3115			
Mar 19/2009	39532	Lawyer: KM 0.40 Hrs X 160.00 Telephone call with N. Lagalo and J. Conklin re: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Reviewed correspondence from J. Conklin re: audit reset to 4/7/09 at request of Bob Noel from American Chartered Bank.				64.00	3115			
Apr 2/2009	39275	Chicago Regional Council of Carpe PMT -	00696	320.42						
Apr 7/2009	39405	Lawyer: KM 0.20 Hrs X 160.00 Prepared correspondence to J. Conklin re: inquiry on the status of the audit scheduled for today. Reviewed correspondence from J. Conklin re: audit partially completed, returning on the 4/15/09 to complete the audit.				32.00	3228			
Apr 8/2009	39771	Billing on Invoice 3115 FEES 800.00			0.00		3115			
Apr 20/2009	39882	Lawyer: KM 0.20 Hrs X 160.00 Telephone call to C. Conklin re: status of J&L audit. Prepared correspondence to C. Conklin re: follow up on status of audit.				32.00	3228			
Apr 21/2009	40022	Lawyer: KM 1.80 Hrs X 160.00 Prepared correspondence to J. Conklin re: inquiry on status of audit. Telephone call from J. Conklin re: update on progress of audit. Appeared in court before Judge Manning for hearing on status of audit and to set new date for production of the audit results.				288.00	3228			
Apr 23/2009	40058	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Manning re: setting status hearing for 6/4/09. Diaried court date.				16.00	3228			
Apr 30/2009	39985	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Conklin re: audit report should be completed by next week.				16.00	3228			
May 8/2009	40251	Chicago Regional Council of Carpe PMT -	00709	800.00						
May 8/2009	40331	Billing on Invoice 3228 FEES 384.00			0.00		3228			
May 26/2009	40568	Chicago Regional Council of Carpe PMT -	00721	384.00						
May 26/2009	40584	Lawyer: KM 0.20 Hrs X 160.00 Telephone call with J. Conklin re: status of audit report, completed and going out this month, findings are preliminary.				32.00	3267			
May 27/2009	40951	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Kemperas re: forwarding J&L Audit.				16.00	3267			
May 28/2009	40988	Lawyer: KM 1.70 Hrs X 160.00 Reviewed audit reports of Legacy. Prepared declaration of J. Kemperas re: authenticating audit reports and confirming auditors' fees. Prepared correspondence to J. Kemperas re: forwarding declaration for review and execution. Reviewed file materials for additional claims besides audit deficiencies. Prepared correspondence to N. Lagalo re: [REDACTED] [REDACTED] Telephone				272.00	3267			

Client Ledger

ALL DATES

Date Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld		Trust Activity		Balance
			Rcpts	Disbs		Inv#	Acc	Rcpts	Disbs	
	call with N. Lagalo re: [REDACTED]									
May 29/2009 40656	Expense Recovery Photocopy Recovery	00151		11.04		3267				
May 29/2009 40962	Lawyer: KM 0.10 Hrs X 160.00 Reviewed and responded to correspondence from N. Lagalo re: [REDACTED]				16.00	3267				
Jun 12/2009 41189	Billing on Invoice 3267 FEES 336.00 DISBS 11.04			0.00		3267				
Jun 16/2009 41251	Lawyer: KM 1.10 Hrs X 160.00 Telephone call with J. Rose re: request information on whether audit report should be sent to him or to his client. Prepared correspondence to C. Vene re: forwarding audit reports for his review and objection, if any, and request for any documents he relies on to dispute the audit findings. Started drafting motion for entry of final judgment.				176.00					
Jun 17/2009 41252	Lawyer: KM 2.80 Hrs X 160.00 Reviewed audit reports prepared by Legacy Professionals. Further revisions to motion for entry of final judgment. Completed drafting declaration of J. Libby in support of motion for entry of final judgment. Reviewed file materials, including pleadings, correspondence, and prior court orders, as necessary to prepare motion and declarations. Prepared correspondence to J. Rose, counsel for C. Vene, re: forwarding audit reports and correspondence to C. Vene dated 6/16/09.				448.00					

TOTALS PERIOD END DATE	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
	0.00	0.00	624.00	624.00	485.21	10860.00	0.00	10998.17	347.04	0.00
	0.00	0.00	624.00	624.00	485.21	10860.00	0.00	10998.17	347.04	0.00

FIRM TOTAL PERIOD END DATE	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
	0.00	0.00	624.00	624.00	485.21	10860.00	0.00	10998.17	347.04	0.00
	0.00	0.00	624.00	624.00	485.21	10860.00	0.00	10998.17	347.04	0.00

REPORT SELECTIONS - Client Ledger

Layout Template	Default
Advanced Search Filter	None
Requested by	ADMIN
Finished	Thursday, June 18, 2009 at 03:25:18 PM
Ver	9.31a
Matters	0083-jlco
Clients	All
Major Clients	All
Client Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All
Type of Law	All
Select From	Active, Inactive, Archived Matters
Matters Sort by	Default
New Page for Each Lawyer	No
New Page for Each Matter	No
No Activity Date	Dec 31/2199
Firm Totals Only	No
Totals Only	No
Entries Shown - Billed Only	No
Entries Shown - Disbursements	Yes
Entries Shown - Receipts	Yes
Entries Shown - Time or Fees	Yes
Entries Shown - Trust	Yes
Incl. Matters with Retainer Bal	No
Incl. Matters with Neg Unbld Disb	No
Trust Account	All
Working Lawyer	All
Include Corrected Entries	No
Show Check # on Paid Payables	No
Show Client Address	No

06C6992

EXHIBIT D

MCJESSY, CHING & THOMPSON LLC

Kevin McJessey (Licensed Illinois)
Angela Ching (Licensed California)
Kim Thompson (Licensed Illinois, California)

Kevin P. McJessey
3759 N. Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260 MAIN
(773) 880-1261 DIRECT
(773) 880-1265 FAX
mciessv@MCandT.com

June 16, 2009

VIA UPS OVERNIGHT

Copy to:

Christian Vene, President
J&L Concrete, Inc.
3920 W. Hawthorn Ct.
Waukegan, IL 60087

Christian Vene, President
J&L Concrete, Inc.
2235 Shady Lane
Highland Park, IL 60035

RE: Chicago Regional Council of Carpenters Pension Fund *et al.* v. J&L Concrete, Inc., 06 C 6992

Dear Mr. Vene:

I am enclosing the audit reports prepared by Legacy Professionals, LLP ("Legacy") based on the records produced by J&L Concrete, Inc. to Legacy as part of the ongoing audit in the above-referenced matter.

The total amount due is \$215,568.50 which is comprised of unpaid fringe benefit contributions of \$129,099.73, liquidated damages of \$25,819.95, interest of \$35,403.61, auditors' fees of \$13,580.00 and attorneys' fees and costs of \$11,665.21.

We intend to file a motion for entry of a final judgment based on the audit by June 25th. Therefore, if J&L Concrete has any objection to the audit findings, please provide me with any objections in writing with supporting documents on or before June 24th. If J&L Concrete is able to pay all or any portion of the amount due, please contact me immediately to discuss such arrangements.

I am directing this letter and the enclosed audit reports to you directly because Jeffrey Rose advised me to do so. I understand Mr. Rose is your personal attorney and not the attorney for J&L Concrete. Should J&L Concrete retain an attorney in this matter, please provide his or her contact information to me and we will direct all future communications accordingly.

Sincerely,

MCJESSY, CHING & THOMPSON, LLC


Kevin P. McJessey

KPM:smk
Enclosures

cc: Jeffrey Rose (w/ enc.)

06C 6992

EXHIBIT E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,)	06 C 6992
v.)	
)	Judge Manning
J&L CONCRETE, INC., an Illinois corporation)	
)	Magistrate Cole
Defendant.)	

ORDER

Pursuant to Federal Rule of Civil Procedure 55, a [final] judgment by default is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* (“Trust Funds”) and against defendant J&L CONCRETE, INC. (“Defendant”). Defendant is hereby ordered:

to pay Plaintiffs the amount of \$215,872.50 as follows:

- A. \$129,099.73 in unpaid contributions pursuant to the audit;
- B. \$13,580.00 for auditor’s fees of incurred by the Trust Funds to complete the audit of Defendant’s books and records;
- C. \$35,403.61 in interest under ERISA on the amount that is due;
- D. \$25,819.95 in liquidated damages;
- E. \$11,969.21 in reasonable attorneys’ fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D);
- F. reasonable attorney’ fees and costs incurred by the Trust Funds in enforcing this order; and
- G. such other relief as this Court deems appropriate.

Plaintiffs shall serve a copy of this Order on Defendant.

Date

Judge Manning