

# EXHIBIT D

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

JAMES T. SULLIVAN, etc.,	)	
	)	No. 07 C 2200
Plaintiff,	)	
	)	Judge Pallmeyer
v.	)	
	)	Magistrate Judge Valdez
A M MECHANICAL, INC.,	)	
	)	
	)	
Defendant.	)	
	)	

**AFFIDAVIT OF DENNIS M. SIEGEL**

DENNIS M. SIEGEL states that if he were called to testify in the captioned case, he would testify as follows:

1. I am an adult and competent.
2. The information contained in this Affidavit is based on my personal knowledge and the business records of D M SIEGEL, LTD.
3. I am a supervising auditor of D M SIEGEL, LTD located at 2209A Lakeside Drive, Bannockburn, IL 60015-1265.
4. The Trustees of Plumbers' Pension Fund, Local 130, U.A., Plumbers' Welfare Fund, Local 130, U.A., The Trust Fund for Apprentice and Journeyman Education and Training, Local 130, U.A., and Chicago Journeymen Plumbers' Local Union 130, U.A., Group Legal Services Plan Fund ("Funds") have engaged D M SIEGEL, LTD to conduct compliance audits of

employers who are signatories to the collective bargaining agreement ("CBA") with the Chicago Journeymen Plumbers' Local Union 130, U.A.

5. Pursuant to the foregoing engagement, D M SIEGEL, LTD audited the compliance of Defendant with its obligations under the CBA for the period from June 1, 2006, through December 31, 2007. A true and correct copy of the Compliance Report to the Trustees issued by D M SIEGEL, LTD is attached to Motion for Entry of Judgment as Exhibit B.

6. D M SIEGEL, LTD charged the Funds \$4,872.50 for professional services rendered in auditing Defendant.

7. In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.



\_\_\_\_\_  
DENNIS M. SIEGEL

Executed on November 11, 2008.

# **EXHIBIT E**

# Lewis, Overbeck & Furman, LLP

ATTORNEYS AT LAW

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October 8, 2008

File: Lit-4685

Rich Miller  
Denise Acevedo  
AM Mechanical, Inc.  
3000 South Lloyd Avenue  
Chicago, IL 60608

Re: James T. Sullivan, etc. v. A M Mechanical, Inc., 07 C 2200.

Mr. Miller & Ms. Acevedo:

As requested by Anthony G. Suizzo, enclosed is a copy of the Compliance Report to the Trustees ("Audit") issued by D M Siegel, Ltd, for the audited period June 1, 2006, through December 31, 2007.

Please provide to me by October 20, 2008, a certified check payable to Lewis, Overbeck & Furman, LLP in the amount of \$259,108.38, calculated as follows:

Audit delinquency through October 15, 2008, per the Collective Bargaining Agreement ("CBA") and ERISA, 29 U.S.C. §1132(g)(2)(A) and (B)	\$ 194,127.05
Additional month of interest per §1.6 of the CBA	\$ 2,141.48
ERISA double interest per 29 U.S.C. §1132(g)(2)(c)	\$ 42,081.85
Attorneys' fees and costs per §1.6 of the CBA and ERISA, 29 U.S.C. §1132(g)(2)(D)	\$ 15,885.50
Audit costs per §1.6 of the CBA and ERISA, 29 U.S.C. §1132(g)(2)(E)	<u>\$ 4,872.50</u>
Total due:	\$ 259,108.38

Lewis, Overbeck & Furman, LLP

Mr. Miller and Ms. Acevedo

October 8, 2008

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After October 15, 2008, additional interest (\$2,141.48) and double interest (\$2,141.48) accrue at the combined rate of \$4,282.96 per month until the delinquency is paid in full.

At the October 8, 2008, status hearing Judge Pallmeyer set a further hearing on November 5, 2008. If arrangements have not been made to pay the foregoing liability by October 15, 2008, then I will ask the court to enter judgment at the November 5, 2008, hearing.

Very truly yours,

LEWIS, OVERBECK & FURMAN, LLP

Douglas A. Lindsay

DAL:me

Enclosure

cc: Anthony G. Suizzo(w/ encl.)

Kevin C. Sherlock(w/o encl.)

James T. Sullivan (w/o encl.)

DAL139213;65100-1073

P.S. to Anthony G. Suizzo

Mr. Suizzo:

Pursuant to our October 7, 2008, telephone conversation, a copy of the Audit is enclosed with your copy of this letter. As we discussed, if Defendant agrees to pay the Funds' lawsuit costs and requests that the audit be referred to the Joint Arbitration Board under the CBA and that the lawsuit be dismissed without prejudice, I will submit Defendant's proposal to the Funds' trustees at their November, 2008, meetings.

Very truly yours,

LEWIS, OVERBECK & FURMAN, LLP

Douglas A. Lindsay

# **EXHIBIT F**

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

JAMES T. SULLIVAN, not individually but as Trustee )  
of PLUMBERS' PENSION FUND, LOCAL 130, U.A., )  
PLUMBERS' WELFARE FUND, LOCAL 130, U.A., )  
THE TRUST FUND FOR APPRENTICE AND )  
JOURNEYMEN EDUCATION AND TRAINING, )  
LOCAL 130, U.A., and CHICAGO JOURNEYMEN )  
PLUMBERS' LOCAL UNION 130, U.A., )  
GROUP LEGAL SERVICES PLAN FUND, )

No. 07 C 2200

Plaintiff, )

Judge Pallmeyer

v. )

Magistrate Judge Valdez

A M MECHANICAL, INC., )

Defendant. )

**ORDER**

This Cause coming before the Court for hearing on Motion for Entry of Judgment, due notice having been given to all parties entitled thereto, and the Court being fully advised in the premises

IT IS HEREBY ORDERED that judgment is entered in favor of Plaintiff, JAMES T. SULLIVAN, etc., and against Defendant, A M MECHANICAL, INC., in the amount of \$266,140.46.

IT IS FURTHER ORDERED that Judgment is final and there is no just reason to delay enforcement or appeal.

DATE: \_\_\_\_\_

ENTER:

\_\_\_\_\_  
Rebecca R. Pallmeyer  
United States District Judge