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

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	No. 07 C 4007
v.)	
)	Judge Zagel
NOVAK PAVING, INC.,)	
an Illinois corporation,)	Magistrate Judge Cole
JAMES NOVAK, Individually)	
)	
Defendants.)	

AFFIDAVIT

RICHARD SIEBERT, upon being first duly sworn deposes and states as follows:

- 1. Affiant is employed by the Suburban Teamsters Welfare and Pension Fund ("Funds") as an auditor, is familiar with the Novak Painting, Inc., an Illinois corporation audit ("Employer"), having examined its books and records to determine what amounts if any were due and owing the Funds, and is also familiar with the parties' agreement concerning contributions, liquidated damages and interest owed.
- 2. That an audit of Employer's books and records was performed on May 21, 2007 covering the period April, 2006 through March, 2007 and found to be owing:

Pension \$22,178.88 Welfare \$57,800.15

- 3. That Employer was given a copy of the audit and given notice of findings.
- 4. That the remaining balance on the audit including liquidated damages and interest totals \$79,979.03.
 - 5. That Affiant suffers from no disability and can so testify and affirm such facts.

FURTHER AFFIANT SAYETH NOT.

SUBSCRIBED AND SWORN to before me this day of December, 2008. OFFICIA

OFFICIAL SEAL
CAROL COLLINS
Light Public - State of Illinois
My Chambesian Expires Jul 20, 2011

Notary Public