

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

LABORERS' PENSION FUND and
LABORERS' WELFARE FUND of the
HEALTH AND WELFARE DEPARTMENT of
the CONSTRUCTION AND GENERAL
LABORERS' DISTRICT COUNCIL OF
CHICAGO AND VICINITY, and JAMES S.
JORGENSEN, Administrator of the Funds,

Plaintiffs,

v.

ALPINE ASPHALT PAVING, INC.,

Defendant.

Case No. 07 C 4464

Judge Shadur

AFFIDAVIT OF ROCCO MARCELLO

STATE OF ILLINOIS)
COUNTY OF COOK)

Rocco Marcello, being first duly sworn on oath, deposes and states as follows:

- 1. I am a Field Representative employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Alpine Asphalt Paving, Inc., ("Alpine Asphalt"). This affidavit is submitted in support of the Laborers' Funds' motion for reinstatement based on Alpine Asphalt's default in payment obligations under an Installment Note.
2. Alpine Asphalt has been a signatory employer since September 2, 2003, as reflected by the Funds' records and is shown by the date on the signed collective bargaining agreement which is attached to the Complaint as Exhibit A.
3. Since January 2008, Alpine Asphalt was obligated under the Settlement Agreement

and Release and the Installment Note to submit note payments to the Funds each month.

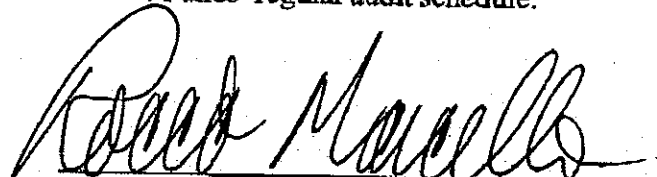
4. Since October 2007, the Laborers' Funds have not received payment for ongoing contributions.

5. The Installment Note attached to the Settlement Agreement provides for a payment plan covering delinquent contributions for audit period from April 1, 2004 through September 30, 2006 and for the period from June 2007 through October 2007. The total amount owed under the Installment Note was \$39,049.77. To date, the Funds have received the amount of \$24,744.57, so a balance of \$14,305.20 remains owed to the Funds.


6. In addition, penalties are owed in the amount of \$2,002.70, for the failure to make timely note payments for the months of January, March, April, May, June, August and October 2008.

7. The Funds do not waive their right to conduct an audit for time periods which are discussed above and such audit will be sought in accordance with the Funds' regular audit schedule.

FURTHER AFFIANT SAYETH NOT.


Rocco Marcello

Subscribed and sworn to before me
this 24th day of February 2009.


NOTARY PUBLIC

