

**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 WESLEY KENNEDY**

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK )

Wesley Kennedy, being first duly sworn on oath, deposes and states as follows:

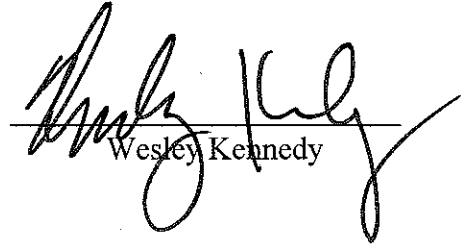
1. I am an attorney and a shareholder at the law firm of Allison, Slutsky & Kennedy, P.C., counsel for plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds") in the action against Alpine Asphalt Paving, Inc. This affidavit is submitted to document attorneys' fees and costs incurred by the Laborers' Funds for work performed in connection with obtaining contributions owed for the period from May 27, 2008 through August 18, 2008.

2. This firm bills the Laborers' Funds on an hourly basis for ERISA collections legal services rendered to the Funds, at a rate of \$175.00 per hour for shareholders, \$150.00 per hour for

associates, and \$75.00 per hour for clerks/paralegals. In this cause, records for legal work on this matter were kept contemporaneously and are attached hereto as Exhibit A.

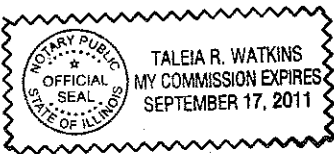
3. Exhibit A hereto sets forth the time expended by the firm's attorneys and paralegals in their attempt to collect amounts owed as established by the Settlement Agreement in this matter. As set forth in that Exhibit, the Laborers' Funds have incurred legal fees to my firm in this matter in the amount of \$2,325.00 for the period of May 27 through February 25, 2009.

FURTHER AFFIANT SAYETH NOT.

  
Wesley Kennedy

Subscribed and sworn to before me  
this 26<sup>th</sup> day of February 2009.

  
NOTARY PUBLIC



Selection Criteria

Slip Classification Open  
 Clie.Selection Include: Labrs P&W 1  
 Refe.Selection Include: Alpine Asphalt  
 Slip.Transaction Dat 5/26/2008 - Latest

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Posting Status	Description	Attorney	Activity	Client	Reference	Units	DNB Time	Rate	Slip Value
								Est. Time	Rate Info	Bill Status	
								Variance			
154515	TIME			K. Engelhardt	Legal Services			0.10	175.00		17.50
	5/27/2008							0.00	C@1		
	Billed	G:14688	6/11/2008	Labrs P&W 1				0.00			
	Report to Trustees			Alpine Asphalt				0.00			
155068	TIME			K. Engelhardt	Legal Services			0.10	175.00		17.50
	6/4/2008							0.00	C@1		
	Billed	G:14729	7/22/2008	Labrs P&W 1				0.00			
	Receive notice from T. Miller			Alpine Asphalt				0.00			
155144	TIME			K. Engelhardt	Legal Services			0.10	175.00		17.50
	6/5/2008							0.00	C@1		
	Billed	G:14729	7/22/2008	Labrs P&W 1				0.00			
	Call w/ R. Marcello			Alpine Asphalt				0.00			
155160	TIME			K. Engelhardt	Legal Services			1.30	175.00		227.50
	6/6/2008							0.00	C@1		
	Billed	G:14729	7/22/2008	Labrs P&W 1				0.00			
	Draft motion, and affidavit of R. Marcello			Alpine Asphalt				0.00			
155171	TIME			K. Engelhardt	Legal Services			0.30	175.00		52.50
	6/9/2008							0.00	C@1		
	Billed	G:14729	7/22/2008	Labrs P&W 1				0.00			
	Letter to R. Marcello			Alpine Asphalt				0.00			
155424	TIME			K. Engelhardt	Legal Services			0.30	175.00		52.50
	6/10/2008							0.00	C@1		
	Billed	G:14729	7/22/2008	Labrs P&W 1				0.00			
	Call w/ R. Marcello; revise affidavit			Alpine Asphalt				0.00			
155438	TIME			K. Engelhardt	Legal Services			0.50	175.00		87.50
	6/11/2008							0.00	C@1		
	Billed	G:14729	7/22/2008	Labrs P&W 1				0.00			
	Work on R. Marcello affidavit, work on motion and send via facsimile			Alpine Asphalt				0.00			

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
155494	TIME			K. Engelhardt	2.00	175.00	350.00
	6/16/2008			Legal Services	0.00	C@1	
	Billed	G:14729	7/22/2008	Labrs P&W 1	0.00		
			Draft Motion for Reinstatement and Damages, Draft Alpine Asphalt		0.00		
			Notice of Motion, proposed order; Shareholder affidavit				
155708	TIME			K. Engelhardt	0.50	175.00	87.50
	6/16/2008			Legal Services	0.00	C@1	
	Billed	G:14729	7/22/2008	Labrs P&W 1	0.00		
			Draft motion, notice of motion, draft judgment order Alpine Asphalt		0.00		
155718	TIME			K. Engelhardt	0.50	175.00	87.50
	6/17/2008			Legal Services	0.00	C@1	
	Billed	G:14729	7/22/2008	Labrs P&W 1	0.00		
			Work on motion	Alpine Asphalt	0.00		
156114	TIME			K. Engelhardt	0.20	175.00	35.00
	6/24/2008			Legal Services	0.00	C@1	
	Billed	G:14729	7/22/2008	Labrs P&W 1	0.00		
			Calls w/ T. Miller, J. Gilleran	Alpine Asphalt	0.00		
156491	TIME			K. Engelhardt	0.20	175.00	35.00
	7/2/2008			Legal Services	0.00	C@1	
	Billed	G:14746	8/13/2008	Labrs P&W 1	0.00		
			Call w/ T. Miller; court clerk	Alpine Asphalt	0.00		
156687	TIME			K. Engelhardt	0.10	175.00	17.50
	7/8/2008			Legal Services	0.00	C@1	
	Billed	G:14746	8/13/2008	Labrs P&W 1	0.00		
			Call w/ R. Marcello	Alpine Asphalt	0.00		
156699	TIME			K. Engelhardt	0.20	175.00	35.00
	7/9/2008			Legal Services	0.00	C@1	
	Billed	G:14746	8/13/2008	Labrs P&W 1	0.00		
			Call w/ Court; call w/ T. Miller	Alpine Asphalt	0.00		
157404	TIME			K. Engelhardt	0.10	175.00	17.50
	7/22/2008			Legal Services	0.00	C@1	
	Billed	G:14746	8/13/2008	Labrs P&W 1	0.00		
			Call w/ R. Marcello	Alpine Asphalt	0.00		
157981	TIME			K. Engelhardt	0.20	175.00	35.00
	8/8/2008			Legal Services	0.00	C@1	
	Billed	G:14764	9/11/2008	Labrs P&W 1	0.00		
			Calls w/ R. Marcello, T. Miller	Alpine Asphalt	0.00		

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time	Rate Rate Info	Slip Value
						Est. Time	Bill Status	
						Variance		
158134	TIME			Josiah Groff		0.40	150.00	60.00
	8/15/2008			Legal Services		0.00	C@2	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		
			Work on motion to reinstate and for judgment	Alpine Asphalt		0.00		
158181	TIME			Josiah Groff		0.60	150.00	90.00
	8/18/2008			Legal Services		0.00	C@2	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		
			Work on motion to reinstate and for judgment	Alpine Asphalt		0.00		
158191	TIME			Josiah Groff		0.70	150.00	105.00
	8/19/2008			Legal Services		0.00	C@2	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		
			Work on motion to reinstate and for judgment; calls w/R. Marcello	Alpine Asphalt		0.00		
158214	TIME			Wes Kennedy		0.30	175.00	52.50
	8/19/2008			Legal Services		0.00	C@1	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		
			Work on attorneys' fees affidavit	Alpine Asphalt		0.00		
158410	TIME			Josiah Groff		0.70	150.00	105.00
	8/20/2008			Legal Services		0.00	C@2	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		
			Work on motion to reinstate and for judgment	Alpine Asphalt		0.00		
158419	TIME			Josiah Groff		0.20	150.00	30.00
	8/21/2008			Legal Services		0.00	C@2	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		30.00
			Calls w/Alpine, J. Mashos and J. Bronson	Alpine Asphalt		0.00		
158470	TIME			Josiah Groff		0.60	150.00	90.00
	8/22/2008			Legal Services		0.00	C@2	
	Billed	G:14764	9/11/2008	Labrs P&W 1		0.00		
			Court appearance	Alpine Asphalt		0.00		
158925	TIME			K. Engelhardt		0.30	175.00	52.50
	9/5/2008			Legal Services		0.00	C@1	
	Billed	G:14793	10/10/2008	Labrs P&W 1		0.00		
			Report to Trustees; call w/ R. Marcello	Alpine Asphalt		0.00		
159264	TIME			K. Engelhardt		0.20	175.00	35.00
	9/8/2008			Legal Services		0.00	C@1	
	Billed	G:14793	10/10/2008	Labrs P&W 1		0.00		
			Report to Trustees	Alpine Asphalt		0.00		

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Slip ID	Dates and Time	Posting Status	Description	Attorney Activity	Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
160301	TIME			K. Engelhardt		0.20	175.00	35.00
	9/24/2008			Legal Services		0.00	C@1	
	Billed	G:14793		10/10/2008	Labrs P&W 1	0.00		
			Calls w/ R. Marcello, K. Cahill	Alpine Asphalt		0.00		
160312	TIME			K. Engelhardt		0.20	175.00	35.00
	9/25/2008			Legal Services		0.00	C@1	
	Billed	G:14793		10/10/2008	Labrs P&W 1	0.00		
			Calls w/ K. Cahill	Alpine Asphalt		0.00		
162592	TIME			K. Engelhardt		0.50	175.00	87.50
	11/20/2008			Legal Services		0.00	C@1	
	Billed	G:14860		12/4/2008	Labrs P&W 1	0.00		
			Letter to J. Jorgensen	Alpine Asphalt		0.00		
162604	TIME			K. Engelhardt		0.10	175.00	17.50
	11/21/2008			Legal Services		0.00	C@1	
	Billed	G:14860		12/4/2008	Labrs P&W 1	0.00		
			Report to Trustees	Alpine Asphalt		0.00		
166458	TIME			K. Engelhardt		0.20	175.00	35.00
	2/10/2009			Legal Services		0.00	C@1	
	WIP			Labrs P&W 1		0.00		
			Call w/ R. Marcello, Report to Trustees	Alpine Asphalt		0.00		
166604	TIME			K. Engelhardt		0.10	175.00	17.50
	2/12/2009			Legal Services		0.00	C@1	
	WIP			Labrs P&W 1		0.00		
			Call w/ T. Miller	Alpine Asphalt		0.00		
166616	TIME			K. Engelhardt		0.10	175.00	17.50
	2/13/2009			Legal Services		0.00	C@1	
	WIP			Labrs P&W 1		0.00		
			Report to Trustees	Alpine Asphalt		0.00		
166634	TIME			K. Engelhardt		0.10	175.00	17.50
	2/13/2009			Legal Services		0.00	C@1	
	WIP			Labrs P&W 1		0.00		
			Report to Trustees	Alpine Asphalt		0.00		
167054	TIME			Josiah Groff		1.30	150.00	195.00
	2/23/2009			Legal Services		0.00	C@2	
	WIP			Labrs P&W 1		0.00		
			Work on motion to reinstate and for judgment	Alpine Asphalt		0.00		

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Slip ID		Attorney	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
167070	TIME	Josiah Groff	0.10	150.00	15.00
2/24/2009		Legal Services	0.00	C@2	
WIP		Labrs P&W 1	0.00		
Call w/R. Marcello		Alpine Asphalt	0.00		
167072	TIME	Josiah Groff	0.40	150.00	60.00
2/25/2009		Legal Services	0.00	C@2	
WIP		Labrs P&W 1	0.00		
Work on motion to reinstate and for default		Alpine Asphalt	0.00		
Grand Total					
		Billable	14.00		2325.00
		Unbillable	0.00		0.00
		Total	14.00		2325.00

Value