

**08 CV 283**  
**Exhibit C**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF	)	
CARPENTERS PENSION FUND, et al.	)	
	)	Case No. 08 C 283
Plaintiffs,	)	
v.	)	Judge St. Eve
	)	
ROSS MIDWEST, INC. and C. GREGORY	)	Magistrate Ashman
INGOLD,	)	
	)	
Defendants	)	

**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 ("Pension Fund"), the Chicago Regional Council of Carpenters Welfare Fund ("Welfare Fund"), the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program ("Trainee Fund"), and the Labor/Management Union Carpentry Cooperation Promotion Fund ("Labor/Management Fund") (collectively "the Trust Funds") in the above-captioned lawsuit ("Lawsuit") against Ross Midwest, Inc. and C. Gregory Ingold ("Defendants").

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 \$11,001.01 in fees and expenses to compel Defendants to comply with their obligations under the terms of the Collective Bargaining Agreement and applicable trust agreements. A redacted 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 \$9,451.50 for 59.1 hours of attorney services. The hourly rate for attorneys at MC&T is \$160 per hour. The Trust Funds have collectively incurred fees totaling \$426.00 for 7.1 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 \$1,123.51 in expenses for court costs, process servers, research, Illinois Secretary of State search, photocopy, UPS, Messenger 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 AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Kevin P. McJessey

**08 CV 283**  
**Exhibit C-1**



Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld		Trust Activity		
				Repts	Disbs		Inv#	Acc	Rcpts	Disbs	Balance
	27959	Reviewed materials received from Stern Process re: service attempts of summons and complaint upon defendants; confer with RWS Investigations re: service of same; prepared correspondence to B. Stachnik forwarding summonses and complaints for service.				30.00	2340				
Feb 13/2008	28629	Expense Recovery Postage Recovery	00123		1.82		2340				
Feb 15/2008	27983	Capital One Services Filing Fee	2396		350.00		2340				
Feb 15/2008	28026	Chicago Regional Council of Carper PMT -	00504	48.00							
Feb 19/2008	28064	Lawyer: SK 0.10 Hrs X 60.00 Confer with RWS Investigations re: status of service of complaint.				6.00	2340				
Feb 20/2008	28081	Lawyer: SK 0.10 Hrs X 60.00 Call from D. Stachnik of RWS Investigations re: questions on service of summons and complaint.				6.00	2340				
Feb 20/2008	29428	Lawyer: KM 1.20 Hrs X 160.00 Appeared in court before Judge St. Eve re: status hearing; reviewed ECF court order.				192.00	2340				
Feb 21/2008	28183	Stern Process & Investigation, LLC Process Server recovery - non service	2410		55.00		2340				
Feb 27/2008	28416	Billing on Invoice 2240 FEES 433.50 DISBS 6.50			0.00		2247				
Mar 4/2008	28669	Lawyer: SK 0.30 Hrs X 60.00 Filed affidavits of service of Ross Midwest and G. Ingold electronically with court's CM/ECF filing system.				18.00	2340				
Mar 20/2008	29015	Lawyer: KM 0.80 Hrs X 160.00 Appeared before Judge St. Eve re: status hearing on service of complaint.				128.00	2340				
Mar 21/2008	29009	Chicago Regional Council of Carper PMT -	00528	440.00							
Apr 17/2008	29791	Billing on Invoice 2340 FEES 380.00 DISBS 506.82			0.00		2340				
Apr 29/2008	30454	Lawyer: KM 1.60 Hrs X 160.00 Review and preparation of declarations of K. McJessy, J. Rosemeyer and J. Egan in support of motion for default judgment on an audit; review and preparation of motion in support of default judgment against Ross Midwest; prepared correspondence to D. Rice re: forwarding declaration of J. Egan for execution; prepared correspondence to J. Rosemeyer re: [REDACTED]				256.00	2383				
Apr 30/2008	30074	Expense Recovery Postage Recovery	00125		2.62		2383				
Apr 30/2008	30102	Expense Recovery Photocopy Recovery	00126		3.96		2383				
Apr 30/2008	30856	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from J. Rosemeyer re: [REDACTED]				16.00	2383				
Apr 30/2008	30917	Lawyer: SK 0.50 Hrs X 60.00 Prepared correspondence to D. Rice forwarding declaration for J. Egan in support of motion for default judgment; confer with D. Rice re: same; prepared correspondence to J. Rosemeyer [REDACTED] prepared notice of motion; prepared correspondence to Judge St. Eve forwarding courtesy copy of motion; confer with Judge St. Eve's chambers re: striking 5/1/08 status date in light of motion for default.				30.00	2383				
May 1/2008	31695	Lawyer: KM 0.10 Hrs X 160.00 Reviewed order of Judge St. Eve				16.00	2549				



ALL DATES

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity			Balance
				Rcpts	Disbs			Rcpts	Disbs		
	33667	FEES 176.00			0.00		2611				
Aug 21/2008	33696	Lawyer: SK 0.30 Hrs X 60.00 Confer with court clerk re: procedure for filing affidavit of service of court orders; filed affidavit of service of K. McJessy 8/7/08 letter with rule to show cause orders electronically with court.				18.00	2678				
Aug 22/2008	33717	Judicial Attorney Services Process Server recovery - Letter and orders to Ingold	2613		58.00		2678				
Aug 31/2008	34035	Expense Recovery Photocopy Recovery	00133		3.96		2678				
Sep 3/2008	33944	Chicago Regional Council of Carper PMT -	00596	176.00							
Sep 5/2008	34081	Lawyer: KM 0.20 Hrs X 160.00 Telephone call from G. Ingold re: hearing set for 9/8, intent to appear and issues related to making arrangements for audit.				32.00	2768				
Sep 8/2008	34216	Lawyer: KM 1.20 Hrs X 160.00 Appeared in court for status hearing and continued hearing on rule to show cause; confer with G. Ingold re: audit arrangements and production of records.				192.00	2768				
Sep 15/2008	34384	Lawyer: KM 0.20 Hrs X 160.00 Reviewed file materials re: contact information for G. Ingold; prepared correspondence to M. Ragona and N. Lagalo re: [REDACTED] [REDACTED] [REDACTED]				32.00	2768				
Sep 15/2008	34406	Billing on Invoice 2678 FEES 570.00 DISBS 61.96			0.00		2678				
Sep 19/2008	34510	US Messenger & Logistics Courier 8/5/08	2639		14.13		2768				
Oct 17/2008	35082	Billing on Invoice 2768 FEES 256.00 DISBS 14.13			0.00		2768				
Oct 17/2008	35676	Lawyer: KM 0.20 Hrs X 160.00 Reviewed correspondence from J. Egan & Associates re: unable to complete audit because of lack of contact by G. Ingold, file being returned to the Trust Funds got reassignment.				32.00	2840				
Oct 20/2008	35131	Chicago Regional Council of Carper PMT -	00625	531.96							
Oct 22/2008	35720	Lawyer: KM 0.30 Hrs X 160.00 Reviewed file materials per tickler of hearing set for 10/23; prepared correspondence to G. Ingold re: insisting on compliance with Judge St. Eve's court order, follow up on hearing set for 10/23/08 and reassignment of audit; prepared correspondence to N. Lagalo re: [REDACTED] [REDACTED]				48.00	2840				
Oct 23/2008	35743	Lawyer: KM 1.40 Hrs X 160.00 Reviewed correspondence from N. Lagalo re: [REDACTED] [REDACTED] appeared before Judge St. Eve re: status hearing on defendant's compliance with terms of the court order compelling audit; prepared correspondence to C. Toblesky and N. Lagalo re: [REDACTED] [REDACTED] prepared correspondence to G. Ingold re: forwarding C. Toblesky's contact information; reviewed correspondence from J. Kemperas, Legacy, re: have made efforts to contact G. Ingold, left message, will follow up; prepared correspondence to G. Ingold				224.00	2840				





Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	---- General ----		Fees	Bld Inv#	----- Trust Activity -----			
				Rcpts	Disbs			Acc	Rcpts	Disbs	Balance
	37180	Prepared correspondence to G. Ingold re: forwarding request by auditor for additional records.				16.00	2888				
Dec 11/2008	36202	Lawyer: SK 0.20 Hrs X 60.00 Prepared correspondence to G. Ingold forwarding 12/11/08 order.				12.00	2888				
Dec 11/2008	37099	Expense Recovery Postage Recovery	00142		0.42		2888				
Dec 11/2008	37225	Lawyer: KM 1.50 Hrs X 160.00 Confer with G. Ingold re: whether he intends to appear in court this morning, in Washington, additional documents that must be produced; appeared before Judge St. Eve for rule to show cause hearing re: hearing continued to January 5th due to absence of G. Ingold.				240.00	2888				
Dec 15/2008	36210	Judicial Attorney Services Process Server recovery - McJessey letter and order	2714		58.00		2888				
Dec 22/2008	36933	Chicago Regional Council of Carpel PMT -	00652	368.00							
Dec 23/2008	36944	Billing on Invoice 2841 FEES 430.00 DISBS 0-60			0.00		2841				
Jan 5/2009	37851	Lawyer: KM 2.10 Hrs X 160.00 Appeared in court for hearing on motion for rule to show cause before Judge St. Eve; confer with G. Ingold re: contact information and arrangements to complete audit; reviewed audit request from B. Yackley; prepared correspondence to G. Ingold re: forwarding auditor's follow up request for records; prepared correspondence to N. Lagalo and J. Libby re: [REDACTED]; reviewed court order of Judge St. Eve and diaried court date.				336.00	2952				
Jan 8/2009	38090	Lawyer: KM 0.10 Hrs X 160.00 Prepared correspondence to G. Ingold re: second follow up on prior correspondence detailing documents requested by auditor.				16.00	2952				
Jan 9/2009	37326	US Messenger & Logistics Courier	2733		11.80		2952				
Jan 9/2009	37397	Billing on Invoice 2888 FEES 376.00 DISBS 74.13			0.00		2888				
Jan 12/2009	37484	Chicago Regional Council of Carpel PMT -	00659	430.60							
Jan 28/2009	37658	Chicago Regional Council of Carpel PMT -	00666	450.13							
Jan 30/2009	38091	Lawyer: KM 1.30 Hrs X 160.00 Reviewed file materials re: status of audit and communications with G. Ingold, defendant; follow up with B. Yackley (auditor) re: status of audit, no new documents produced in response to audit request; prepared correspondence to G. Ingold re: imperative that documents requested by auditor be produced immediately in light of upcoming 2/9/09 status hearing before Judge St. Eve.				208.00	2952				
Jan 31/2009	37706	Expense Recovery Postage Recovery	00143		1.20		2952				
Feb 3/2009	38595	Lawyer: KM 1.40 Hrs X 160.00 Appeared in court before Judge St. Eve re: hearing on status of production of records and completion of audit; telephone call with B. Yackley, auditor re: status of production of records, no additional documents received from defendant; telephone call to G. Ingold re: appearance at hearing.				224.00	3002				

Client Ledger  
ALL DATES

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Trust Activity			Balance
				Rcpts	Disbs		Bld Inv#	Acc	Rcpts	
Feb 10/2009	38338	Expense Recovery								
		Postage Recovery	00145		9.62			3002		
Feb 10/2009	38601	Lawyer: KM 0.20 Hrs X 160.00 Reviewed ECF court order of Judge St. Eve on rule to show cause hearing; diaried court dates; prepared correspondence to G. Ingold re: forwarding Judge St. Eve's order and noting that failure to comply could result in writ of attachment;				32.00		3002		
Feb 12/2009	37797	UPS Courier - UPS - recovery -	2762		23.72			3002		
Feb 17/2009	38142	Billings on Invoice 2952 FEES 560.00 DISBS 13.00			0.00			2952		
Feb 17/2009	38702	Lawyer: KM 0.20 Hrs X 160.00 Reviewed ECF court order of Judge St. Eve re: resetting hearing date; correspondence to G. Ingold returned in mail, problems with G. Ingold's address; prepared email correspondence to G. Ingold re: seeking to confirm address to mail court orders and other materials.				32.00		3002		
Feb 19/2009	38237	UPS Courier - UPS - recovery -	2770		9.81			3002		
Feb 24/2009	38325	Expense Recovery Postage Recovery	00145		5.66			3002		
Feb 24/2009	38788	Lawyer: KM 0.20 Hrs X 160.00 Prepared correspondence to G. Ingold re: forwarding court order from Judge St. Eve via certified mail.				32.00		3002		
Mar 11/2009	39460	Lawyer: KM 0.10 Hrs X 160.00 Prepared correspondence to G. Ingold re: follow up for his current address as I need to forward important documents.				16.00		3115		
Mar 12/2009	38883	Billings on Invoice 3002 FEES 320.00 DISBS 48.81			0.00			3002		
Mar 12/2009	39480	Lawyer: KM 2.10 Hrs X 160.00 Telephone call with G. Ingold re: will not be in court but will be available for meeting on Monday, March 16, 2009; appeared in court before Judge St. Eve re: hearing on rule to show cause and for status; reviewed ECF court order of Judge St. Eve re: next court date; prepared correspondence to B. Yackley, Legacy Professionals, and G. Ingold re: seeking to confirm availability for meeting on 3/16, forwarding B. Yackley's prior record request and Judge St. Eve's order dated today.				336.00		3115		
Mar 13/2009	38993	Chicago Regional Council of Carpe PMT -	00681	573.00						
Mar 13/2009	39597	Lawyer: KM 1.20 Hrs X 160.00 Prepared correspondence to B. Yackley and G. Ingold re: confirmation of G. Ingold's intent to deliver additional records on 3/16/09 and forwarding to G. Ingold auditor's most recent record requests. Telephone call from B. Yackley re: follow up on emails exchanged between parties, no audit on 3/16, but will receive documents; reviewed correspondence from G. Ingold re: acknowledging receipt and further confirmation of intent to deliver documents. Prepared correspondence to G. Ingold re: direction to bring whatever records he has even if some are missing. Reviewed correspondence from B. Yackley to G. Ingold re: confirming availability for 3/16/09. Exchanged numerous brief				192.00		3115		

Date	Received From/Paid To	Chq#	----- General -----		Fees	Bld	----- Trust Activity -----			Balance
Entry #	Explanation	Rec#	Rcpts	Disbs		Inv#	Acc	Rcpts	Disbs	
	emails with G. Ingold and B. Yackley regarding 3/16/09 meeting and no need for KPM attendance.									
Mar 16/2009 39505	Lawyer: KM 1.70 Hrs X 160.00 Reviewed correspondence from B. Yackley re: results of his meeting with G. Ingold, promised list of documents, prepared correspondence to B. Yackley re: missing bank statements and checks, and information needed to issue subpoena; prepared correspondence to N. Lagoia re: [REDACTED] [REDACTED] reviewed follow up correspondence from B. Yackley re: additional records promised today were not delivered; reviewed excel spreadsheets of missing records and account information obtained as part of the audit; prepared correspondence to G. Ingold re: forwarding follow up demand for records and request for affidavit on all missing records; prepared correspondence to N. Lagoia re: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] prepared correspondence to B. Yackley re: likely audit results, current operating status of signatory and related company and potential for not bringing audit current. Reviewed correspondence from G. Ingold re: forgot the information promised but will scan and email.				272.00	3115				
Mar 17/2009 39517	Lawyer: KM 0.10 Hrs X 0.00 Reviewed correspondence from B. Yackley re: will call tomorrow 3/18 to follow up on various outstanding issues raised in KPM email of 3/17/09. [NO CHARGE]				0.00	3115				
Mar 18/2009 39524	Lawyer: KM 0.40 Hrs X 160.00 Reviewed correspondence from B. Yackley re: will call to follow up on audit issues. Telephone call with B. Yackley re: discussed issues raised in 3/16/09 correspondence. Reviewed correspondence from B. Yackley re: assessment made after consultation with J. Kemperas on how to proceed with the audit.				64.00	3115				
Mar 19/2009 39062	Lawyer: KM 0.30 Hrs X 160.00 Reviewed and responded to correspondence from B. Yackley re: status of audit, completion by 3/23/09 and follow up on whether missing bank records should be pursued by audit. Telephone call from B. Yackley re: follow up on status of audit, he will call J. Libby for audit end date and bank accounts appear to still be open.				48.00	3115				
Mar 23/2009 39091	Lawyer: KM 0.30 Hrs X 160.00 Reviewed correspondence from B. Yackley re: follow up on production of records and results of call with J. Libby. Telephone call with B. Yackley re: Trust Funds have instructed him to complete the entire audit including obtaining				48.00	3115				

Date	Received From/Paid To	Chq#	----- Trust Activity -----		Bld	-----			
Entry #	Explanation	Rec#	Rcpts	Disbs	Inv#	Acc	Rcpts	Disbs	Balance
	missing bank records, will be sending out list of final missing documents.								
Apr 2/2009	Chicago Regional Council of Carper								
39276	PMT -	00696	368.81						
Apr 8/2009	Billing on Invoice 3115								
39772	FEES 976.00			0.00		3115			
Apr 16/2009	Lawyer: KM 1.10 Hrs X 160.00								
40081	Appeared for hearing before Judge St. Eve re: status of audit and likely completion date. Reviewed ECF court order of Judge St. Eve re: setting new hearing date. Diaried court date.					176.00	3228		
May 8/2009	Chicago Regional Council of Carper								
40255	PMT -	00709	976.00						
May 8/2009	Billing on Invoice 3228								
40332	FEES 176.00			0.00		3228			
May 11/2009	Lawyer: SK 0.60 Hrs X 60.00								
40422	Confer with K. McJessy re: addresses to use for document subpoenas to Fifth Third Bank, Bank One/Chase, First Choice Bank and American National Bank. Prepared document subpoenas to Fifth Third Bank, Chase, First Choice Bank and American National Bank. Prepared correspondence to G. Ingold forwarding document subpoenas.					36.00	3267		
May 11/2009	Expense Recovery								
40703	Postage Recovery	00152		0.61			3267		
May 11/2009	Lawyer: KM 0.60 Hrs X 160.00								
40853	Prepared subpoena riders to Chase bank, Fifth Third Bank, First Choice Bank and American National Bank to obtain documents to complete audit. Reviewed summary of record requests from auditor to prepare subpoena riders.					96.00	3267		
May 14/2009	Lawyer: KM 1.20 Hrs X 160.00								
40885	Appeared in court before Judge St. Eve re: status of audit completion. Reviewed ECF court order of Judge St. Eve re: new court date. Diaried court date.					192.00	3267		
May 19/2009	Lawyer: SK 0.30 Hrs X 60.00								
40505	Reviewed subpoena returned undelivered directed to American National Bank. Prepared second subpoena to American National Bank with alternative address. Prepared correspondence to G. Ingold forwarding copy of subpoena.					18.00	3267		
May 20/2009	Expense Recovery								
40688	Postage Recovery	00152		5.98			3267		
May 26/2009	Chicago Regional Council of Carper								
40571	PMT -	00721	176.00						
May 26/2009	Lawyer: SK 0.20 Hrs X 60.00								
40589	Prepared email correspondence to B. Yackley forwarding documents received from FifthThird Bank pursuant to subpoena.					12.00	3267		
May 26/2009	Lawyer: KM 0.20 Hrs X 160.00								
40600	Brief review of documents produced by Fifth Third Bank pursuant to a subpoena.					32.00	3267		
May 28/2009	Lawyer: SK 0.20 Hrs X 60.00								
40654	Call from JPMorgan Chase re: subpoenas directed to Chase and American National Bank need to be corrected to "JPMorgan Chase Bank, NA". Prepared revised subpoenas to JPMorgan Chase for Chase account and American National account. Prepared correspondence to L. Green, JPMorgan Chase, forwarding revised subpoenas.					12.00	3267		
May 29/2009	Expense Recovery								
40657	Photocopy Recovery	00151		3.12			3267		
Jun 8/2009	Lawyer: KM 0.10 Hrs X 160.00								
41595	Reviewed correspondence from B. Yackley re: follow up on bank					16.00	3287		

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	----- General -----		Fees	Bld Inv#	----- Trust Activity -----			
				Rcpts	Disbs			Acc	Rcpts	Disbs	Balance
		statements received from S. Keating on 5/26/09 from Fifth Third Bank and inquiry on status of remaining bank statements.									
Jun 12/2009	41190	Billing on Invoice 3257 FEES 398.00 DISBS 9.71			0.00		3267				
Jun 17/2009	41250	Lawyer: KM 0.70 Hrs X 160.00 Reviewed documents produced by JP Morgan Chase in response to subpoenas issued.				112.00	3287				
Jun 25/2009	41759	Lawyer: KM 1.60 Hrs X 160.00 Appeared in court for status hearing before Judge St. Eve re: status of completion of the audit. Reviewed documents produced by First Choice Bank. Forwarded documents to B. Yackley, auditor. Reviewed ECF court order of Judge St. Eve re: setting status hearing in 6 weeks.				256.00	3287				
Jul 1/2009	41522	Lawyer: KM 0.20 Hrs X 160.00 Confer with B. Yackley re: results of audit, likelihood on completion of preliminary audit and discovery of payments made to cash-to-pay day laborers.				32.00	3319				
Jul 7/2009	41580	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from B. Yackley re: report on Ross should be complete by 7/8/09.				16.00	3319				
Jul 9/2009	41815	Billing on Invoice 3287 FEES 384.00			0.00		3287				
Jul 9/2009	41897	Lawyer: KM 0.10 Hrs X 160.00 Telephone call with B. Yackley re: preparation of audit report, one bank's missing documents.				16.00	3319				
Jul 23/2009	42522	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from B. Yackley re: audit is complete, should be reviewed and sent to the Trust Funds within the next week.				16.00	3319				
Jul 24/2009	42355	Chicago Regional Council of Carpel PMT -	00749	791.71							
Jul 27/2009	42536	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge St. Eve re: rescheduling hearing for 8/3/09.				16.00	3319				
Aug 3/2009	43292	Lawyer: KM 1.40 Hrs X 160.00 Appeared before Judge St. Eve for hearing on status of the audit and demand on defendants. Reviewed court order of Judge St. Eve. Diary docket entry for next status hearing.				224.00	3428				
Aug 4/2009	43319	Lawyer: KM 2.10 Hrs X 160.00 Reviewed auditors findings for Ross Midwest and analyzed reports. Prepared correspondence to B. Yackley re: need for total audit fees in the Ross Midwest audit. Prepared correspondence to N. Lagalo re: [REDACTED] [REDACTED] Prepared correspondence to G. Ingold re: forwarding court order giving notice of next hearing date. Prepared correspondence to G. Ingold re: forwarding audit report and making demand on audit for payment or for production of any records that show audit is in error.				336.00	3428				
Aug 5/2009	42813	Billing on Invoice 3319 FEES 96.00			0.00		3319				
Aug 5/2009	43336	Lawyer: KM 0.30 Hrs X 160.00 Reviewed correspondence from B. Yackley re: Chris Kogut will be calling with information on audit fees. Reviewed correspondence from N. Lagalo re: [REDACTED]				48.00	3428				

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				Rcpts	Disbs		Inv#	Acc	
		██████████ ██████████ Telephone call with C. Kogut re: audit fees. Completed demand letter to G. Ingold on audit.							
Aug 19/2009	43406	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from B. Yackley re: receipt of 3 boxes of original documents and asking if I want those documents produced.				16.00	3428		
Aug 21/2009	43037	Chicago Regional Council of Carper PMT -	00759	96.00					
Aug 21/2009	43544	Lawyer: KM 1.80 Hrs X 160.00 Telephone call with C. Kogut re: documents from Ross Midwest and preparation of declaration. Reviewed cause authority regarding what is required under recent Seventh Circuit authority for an auditor's declaration to prove fees. Started drafting motion for entry of final judgment based on audit findings. Prepared affidavit of C. Kogut re: support for auditors' fees. Prepared correspondence to C. Kogut forwarding draft declaration.				288.00	3428		
Aug 27/2009	43476	Lawyer: KM 0.30 Hrs X 160.00 Reviewed correspondence from C. Kogut re: forwarding completed declaration and supporting time records. Reviewed supporting time records from auditor.				48.00	3428		
Aug 27/2009	43545	Lawyer: KM 0.20 Hrs X 160.00 Telephone call with C. Kogut re: changes to affidavit in support of default motion confirming auditors' fees and related issues.				32.00	3428		
Aug 28/2009	43477	Lawyer: KM 2.10 Hrs X 160.00 Reviewed declaration and attached exhibits from K. Kogut re: audit fees. Prepared declaration of K. McJessy re: support of claim for attorneys' fees. Prepared declaration of J. Libby re: declaration in support of motion for entry of final judgment. Revised motion for entry of final judgment. Reviewed file documents as necessary to complete declarations and finish motion. Telephone call with N. Lagalo re: ██████████ ██████████ ██████████ Telephone call with B. Yackley re: audit report for Geneva account. Prepared correspondence to J. Libby re: ██████████ ██████████ Reviewed correspondence from N. Lagalo re: ██████████ ██████████				336.00	3428		
Aug 31/2009	43171	Expense Recovery Photocopy Recovery	00162	63.48			3428		
Aug 31/2009	43186	Expense Recovery Postage Recovery	00163	4.95			3428		
Aug 31/2009	43206	Lawyer: SK 0.40 Hrs X 60.00 Prepared notice of motion. Filed motion for final judgment and notice electronically with court. Prepared correspondence to Judge St. Eve forwarding courtesy copy of motion for final judgment.				24.00	3428		
Aug 31/2009	43495	Lawyer: KM 0.90 Hrs X 160.00 Final review and edits to motion for entry of judgment. Prepared draft order for final judgment. Assembled exhibits to motion and exhibits to				144.00	3428		





ALL DATES

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity		Balance
				Rcpts	Disbs			Rcpts	Disbs	
	44281	FEES 844.00 DISBS			0.00		4533			
		119.41								
Oct 22/2009	44371	Chicago Regional Council of Carpe PMT -	00778	1723.32						
Oct 23/2009	44401	US Messenger & Logistics Courier	2958		15.71					
Nov 3/2009	44533	Lawyer: KM 2.10 Hrs X 160.00 Appeared in court before Judge St. Eve re: hearing on status. Revised motion for default judgment to be refiled. Reviewed correspondence to G. Ingold to be attached as exhibits to revised motion for default.				336.00				

TOTALS	UNBILLED				= TOTAL	BILLED			BALANCES		TRUST
	CHE	+ RECOV	+ FEES			DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	
PERIOD	15.71	0.00	368.00		383.71	1107.80	9509.50	0.00	9653.89	963.41	0.00
END DATE	15.71	0.00	368.00		383.71	1107.80	9509.50	0.00	9653.89	963.41	0.00

FIRM TOTAL:	UNBILLED				= TOTAL	BILLED			BALANCES		TRUST
	CHE	+ RECOV	+ FEES			DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	
PERIOD	15.71	0.00	368.00		383.71	1107.80	9509.50	0.00	9653.89	963.41	0.00
END DATE	15.71	0.00	368.00		383.71	1107.80	9509.50	0.00	9653.89	963.41	0.00

REPORT SELECTIONS - Client Ledger

Layout Template	Default
Advanced Search Filter	None
Requested by	ADMIN
Finished	Tuesday, November 03, 2009 at 01:31:08 PM
Ver	9.31d
Matters	0087-ross
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
Consolidate Payments	No
Show Trust Summary by Account	No
Show Interest	No
Interest Up To	Nov 3/2009
Show Invoices that Payments Were Applied to	No

**08 CV 283**

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**Exhibit D**

1.

1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF CARPENTERS	)	
PENSION FUND, et al.	)	
	)	Case No. 08 C 283
Plaintiffs,	)	
v.	)	Judge St. Eve
	)	
ROSS MIDWEST, INC. and C. GREGORY INGOLD,	)	Magistrate Ashman
	)	
Defendants	)	

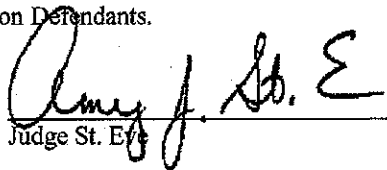
**ORDER**

Pursuant to Federal Rule of Civil Procedure 55, a judgment by default is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* ("~~Trust Funds~~") and against defendants ~~ROSS MIDWEST, INC. and C. GREGORY INGOLD~~ ("~~Defendants~~"). Defendants are hereby ordered:

- A. to provide the Trust Funds or their designated auditors, James Egan & Associates, Ltd., complete access to Defendants' books records within twenty-one (21) days so that the Trust Funds may conduct an audit of Defendants' fringe benefit contributions;
- B. to pay any and all amounts the Trust Funds may discover to be due pursuant to the audit;
- C. to pay auditor's fees incurred by the Trust Funds to complete the audit of Defendants' books and records;
- D. to pay interest on the amount that is due pursuant to 29 U.S.C. § 1132(g)(2)(B);
- E. to pay interest or liquidated damages on the amount that is due pursuant to 29 U.S.C. § 1132(g)(2)(C), whichever is greater;
- F. to pay 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) and incurred by the Trust Funds to obtain full compliance with this Order and to collect any amounts owed to the Trust Funds; and
- G. to award the Trust Funds such other and further relief as the Court deems just and equitable.

Plaintiffs shall serve a copy of this Order on Defendants.

June 2, 2008  
Date

  
\_\_\_\_\_  
Judge St. Eve

**08 CV 283**

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**Exhibit E**

# 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  
[mcjessey@MCAandT.com](mailto:mcjessey@MCAandT.com)

August 5, 2009

## VIA UPS OVERNIGHT

C. Gregory Ingold, President  
Ross Midwest, Inc.  
2001 Kaneville Road  
Geneva, Illinois 60134

RE: Chicago Regional Council of Carpenters Pension Fund *et al.* v. Ross Midwest, Inc., an  
Illinois corporation, and C. Gregory Ingold, individually, 08 C 283

Dear Mr. Ingold:

I am enclosing the audit report prepared by Legacy Professionals, LLP ("Legacy") based on the records produced by you to Legacy as part of the audit of Ross Midwest, Inc. in the above-referenced matter.


The total amount due is \$298,328.42, which is comprised of unpaid fringe benefit contributions of \$202,502.95, liquidated damages of \$40,500.59, interest of \$40,037.06, auditors' fees of \$7,149.25 and attorneys' fees and costs of \$8,138.57.

We intend to file a motion for entry of a final judgment based on the audit by August 20, 2009. Therefore, if you have any objection to the audit findings, please provide me with any objections in writing with supporting documents on or before August 20<sup>th</sup>. If you are 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 report to you directly because you are not represented by counsel in this matter. Should you retain an attorney in this matter, please provide his or her contact information to me and I will direct all future communications accordingly.

Sincerely,

MCJESSY, CHING & THOMPSON, LLC

  
Kevin P. McJessey

KPM:smk  
Enclosure

**08 CV 283**

**Exhibit F**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF )  
CARPENTERS PENSION FUND, et al. )  
 ) Case No. 08 C 283  
 )  
 ) Plaintiffs, )  
 )  
 ) v. ) Judge St. Eve  
 )  
 )  
 ) ROSS MIDWEST, INC. and C. GREGORY )  
 ) INGOLD, )  
 )  
 )  
 ) Defendants )

**ORDER**

Pursuant to Federal Rules of Civil Procedure 54, 55 and 58, a final judgment is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* ("Trust Funds") and against defendants ROSS MIDWEST, INC. and C. GREGORY INGOLD ("Defendants") in the amount of \$301,191.11 as follows:

- A. \$202,502.95 in unpaid contributions pursuant to the audit;
- B. \$7,149.50 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$40,037.06 in interest pursuant to 29 U.S.C. § 1132(g)(2)(B);
- D. \$40,500.59 in liquidated damages pursuant to 29 U.S.C. § 1132(g)(2)(C);
- E. \$11,001.01 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); and
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge St. Eve

**08 CV 283**

**Exhibit G**



**MCJESSY, CHING &  
THOMPSON LLC**

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

Sheila M. Keating  
3759 N. Ravenswood, Ste. 231  
Chicago, Illinois 60613  
(773) 880-1260 MAIN  
(773) 880-1265 FAX  
keating@MCandT.com

**VIA EMAIL and U.S. MAIL**

September 3, 2009

C. Gregory Ingold, President  
Ross Midwest, Inc.  
2301 4th Avenue, Apt. 606  
Seattle, WA 98121

RE: Chicago Regional Council of Carpenters Pension Fund, et al. v. Ross Midwest, Inc. and  
C. Gregory Ingold., Case No. 08 C 283

Dear Mr. Ingold:

This will confirm that John Libby has agreed to meet with you to discuss possible settlement of the above matter. This meeting has been scheduled for September 21, 2009 at 10:30 a.m. at the Trust Funds' offices located at 12 East Erie, Chicago, Illinois.

Please feel free to contact me if you have any questions.

Sincerely,

MCJESSY, CHING & THOMPSON, LLC



Sheila M. Keating  
Paralegal

**08 CV 283**

**Exhibit H**

**From:** Kevin McJessey  
**To:** Greg Ingold (ingold2001@aol.com)  
**Cc:** "Nathan Lagalo"  
**Subject:** CRCC v. Ross Midwest and Greg Ingold  
**Date:** Thursday, October 01, 2009 12:17:00 PM

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Greg,

On the morning of September 21, 2009, you cancelled the meeting that we had agreed upon for that morning. We had planned for the parties to sit down face-to-face and discuss any specific objections that you had to the audit report in this matter. I have not heard from you since.

We have another status hearing coming up in this matter and I intend to re-notice our motion since you have not given me any reason not to proceed.

My August 4<sup>th</sup> letter advised you that the total amount due at that time was \$298,328.42, comprised of unpaid fringe benefit contributions of \$202,502.95, liquidated damages of \$40,500.59, interest of \$40,037.06, auditors' fees of \$7,149.25 and attorneys' fees and costs of \$8,138.57. Obviously the attorneys fees have increased somewhat since this date.

However, I am notifying you once again that we intend to file a motion for entry of a final judgment based on the audit. Therefore, if you have any objection to the audit findings, please provide me with any objections in writing with supporting documents on or before October 5th.

I am directing this email to you directly because you are not represented by counsel in this matter. Should you retain an attorney in this matter, please provide his or her contact information to me and I will direct all future communications accordingly.

I will also send a copy of this email to you at your address at 2001 Kaneville Rd, Geneva, IL 60134.

Regards,

Kevin McJessey

MCJESSY, CHING & THOMPSON, LLC  
3759 N. Ravenswood, Suite 231  
Chicago, Illinois 60613  
(773) 880-1260 (MAIN)  
(773) 880-1261 (DIRECT)  
(773) 880-1265 (FACSIMILE)  
[MCJESSY@MCANDT.COM](mailto:MCJESSY@MCANDT.COM)  
[WWW.MCANDT.COM](http://WWW.MCANDT.COM)

**PRIVILEGED & CONFIDENTIAL:** This message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or authorized to act on behalf of the intended recipient) of this message, you may not disclose, forward, distribute, copy, or use this message or its contents. If you have received this communication in error, please notify us immediately by return e-

mail and delete the original message from your e-mail system. Thank you.

**TAX ADVICE WAIVER:** Nothing in this email is intended to provide any advice with respect to either federal or state taxation matters. In accordance with United States Treasury Regulations, you are hereby advised that this communication (including any attachments) is not intended to be used, and cannot be used, as advice on any federal or state taxation matters and is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.

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**08 CV 283**

**Exhibit I**

# MCJESSY, CHING & THOMPSON LLC

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

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

## VIA U.S. MAIL and EMAIL

October 14, 2009

C. Gregory Ingold, President  
Ross Midwest, Inc.  
2001 Kaneville Road  
Geneva, Illinois 60134

RE: Chicago Regional Council of Carpenters Pension Fund, et al. v. Ross Midwest, Inc. and  
C. Gregory Ingold., Case No. 08 C 283

Dear Mr. Ingold:

I am enclosing Judge St. Eve's order of October 13, 2009 scheduling a status hearing in the above matter for November 3, 2009 at 8:30 a.m. in Courtroom 1241.

I have not heard from you since the prior status hearing on September 1, 2009 except for your cancellation of our meeting on September 21, 2009. I have tried to reach you by email and I have left voice mail messages for you to not avail. Accordingly, you are hereby advised that we will re-notice the Chicago Regional Council Fringe Benefit Funds' motion for entry of final judgment for November 3, 2009.

Sincerely,

MCJESSY, CHING & THOMPSON, LLC



Kevin P. McJessey

KPM/smk  
Enclosure

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.3  
Eastern Division**

Chicago Regional Council Carpenters Pension  
Fund, et al.

Plaintiff,

v.

Case No.:  
1:08-cv-00283  
Honorable Amy J. St.  
Eve

Ross Midwest, Inc., et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, October 13, 2009:

MINUTE entry before the Honorable Amy J. St. Eve: Status hearing set for 10/13/09 is stricken and reset to 11/3/2009 at 08:30 AM. Mailed notice(kef, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).