

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

| | | |
|---------------------------------------------------|---|-------------------------|
| TRUSTEES OF THE SUBURBAN TEAMSTERS |) | |
| OF NORTHERN ILLINOIS PENSION FUND |) | |
| AND WELFARE FUNDS, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | No. 08 C 2280 |
| v. |) | |
| |) | Judge Andersen |
| |) | |
| MCDONALD TRANSPORT CORP. |) | Magistrate Judge Denlow |
| an Illinois corporation not in good standing, and |) | |
| PATRICK MCDONALD, Individually |) | |
| |) | |
| Defendants. |) | |

AFFIDAVIT OF OLGA KANE

I, Olga Kane, upon being first duly sworn, deposes and states as follows:

1. I have been employed as a bookkeeper by the law firm of Arnold and Kadjan, counsel to Plaintiffs, for over ten years.
2. One of my duties is to monitor all delinquent contractors' payments and other charges on installment note programs.
3. This process includes receiving and accounting for all payments made thereon and computing a running tally of the remaining balances for each contractor.
4. Attached hereto as Exhibit "A" is a copy of the Pension Installment Note entered into by Patrick McDonald, President of McDonald Transport, Inc. for benefits and other charges admitted by him to be owed.
5. The current balance owing on the defaulted Pension Installment Note is \$295.11. See ledger attached as Exhibit "B".

5. Attached hereto as Exhibit "C" is a copy of the Welfare Installment Note entered into by Patrick McDonald, President of McDonald Transport, Inc. for benefits and other charges admitted by him to be owed.


5. The current balance owing on the defaulted Pension Installment Note is \$661.99. See ledger attached as Exhibit "D".

FURTHER AFFIANT SAYETH NOT.



OLGA KANE

SUBSCRIBED AND SWORN
to before me this 14th day of
August, 2009.



Notary Public

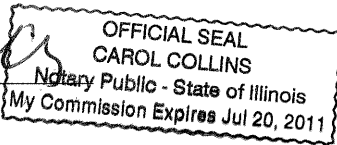


EXHIBIT A

SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS

McDonald Transport, Inc. : Pension Fund

June 20, 2008

Received
JUN 24 2008
Pension Fund Office

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Pension Fund the principal total of \$ 2,247.13 (**Two Thousand Two Hundred Forty Seven and 13/100 dollars.**)

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period Nov., 2006 through March, 2008.

The Employer shall make a **down payment** of \$ **561.78** on June 20, 2008, leaving a principal **balance** of \$ **1,685.35**. That balance is to be paid with 10% annual interest in **12** equal and consecutive monthly **installments of \$ 148.17** beginning on July 30, 2008. Payments should be sent to:

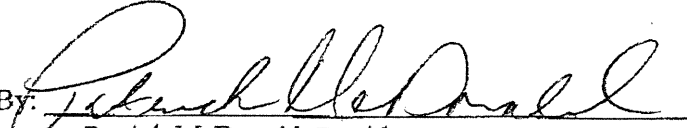
Suburban Teamsters of Northern Illinois
1275 W. Roosevelt Rd. Unit 121
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

The Employer is to remain current in regular monthly contributions. Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By:  Date: 6-20-08
Patrick McDonald, President
McDonald Transport, Inc.

 Date: 6-20-08
Patrick McDonald, Individually

EXHIBIT B

McDonald Transport, Corp.

Er # 4449

Pension Fund

PRINCIPAL TOTAL: \$ (2,247.13)

DOWN PYMT: \$561.78

Date: June 20, 2008

Ck #: 1605

PRINC BALANCE: \$ (1,685.35)

NMBR PYMNTS: 12

MNTHLY PYMT: \$148.17 /month

| PAY THIS.....OR THIS | | AFTER REGULAR PAYMENT | | | Payments Made | |
|----------------------|--------------|-----------------------|----------|-------------------|---------------|---------|
| Date DUE | NOTE BALANCE | PEN PYMNT | PRINC PD | CURRENT PRINC BAL | Date | Check # |
| 1 07/30/08 | 1,699.39 | 148.17 | 134.12 | 1,551.23 | 1 8/29/08 | 1630 |
| 2 08/30/08 | 1,564.15 | 148.17 | 135.24 | 1,415.98 | 2 9/26/08 | 1643 |
| 3 09/30/08 | 1,427.78 | 148.17 | 136.37 | 1,279.61 | 3 11/6/08 | 1655 |
| 4 10/30/08 | 1,290.28 | 148.17 | 137.51 | 1,142.11 | 4 12/11/08 | 1663 |
| 5 11/30/08 | 1,151.63 | 148.17 | 138.65 | 1,003.46 | 5 2-25-09 | 7455 |
| 6 12/30/08 | 1,011.82 | 148.17 | 139.81 | 863.65 | 6 2-25-09 | 7455 |
| 7 01/30/09 | 870.85 | 148.17 | 140.97 | 722.68 | 7 2-25-09 | 7455 |
| 8 02/28/09 | 728.70 | 148.17 | 142.15 | 580.53 | 8 4/6/09 | 7462 |
| 9 03/30/09 | 585.37 | 148.17 | 143.33 | 437.20 | 9 5/13/09 | 7467 |
| 10 04/30/09 | 440.84 | 148.17 | 144.53 | 292.67 | 10 6/18/09 | 7471 |
| 11 05/30/09 | 295.11 | 148.17 | 145.73 | 146.94 | | |
| 12 06/30/09 | 148.17 | 148.17 | 146.94 | (0.00) | | |

EXHIBIT C

SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS FRINGE BENEFITS

McDonald Transport, Inc. : Welfare Fund

June 20, 2008

For value received, the undersigned promises to pay to the order of Suburban Teamsters of Northern Illinois Welfare Fund the principal total of \$ 5,040.72 (**Five Thousand Forty and 72/100** dollars.)

Received
JUN 24 2008
Pension Fund Office

The maker of this Note acknowledges that the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income and Security Act 29 U.S.C. 1145. For contributions due for the period Aug., 2006 through March, 2008.

The Employer shall make a **down payment** of \$ **1,260.18** on June 20, 2008, leaving a principal **balance** of \$ **3,780.54**. That balance is to be paid with 10% annual interest in **12** equal and consecutive monthly **installments** of \$ **332.37** beginning on July 30, 2008. Payments should be sent to:


Suburban Teamsters of Northern Illinois
1275 W. Roosevelt Rd. Unit 121
West Chicago, IL 60185

Or such other place as may be directed by the legal holder of this Note.

The Employer is to remain current in regular monthly contributions. Failure to do so will be considered a default, causing the remaining unpaid Note balance to become immediately due and payable.

The undersigned hereby irrevocably authorizes any attorney of any court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for the unpaid amount, together with costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof.

All parties hereto severally waive presentment for payment, notice of dishonor and protest.

By:  Date: 6-20-08
Patrick McDonald, President
McDonald Transport, Inc.

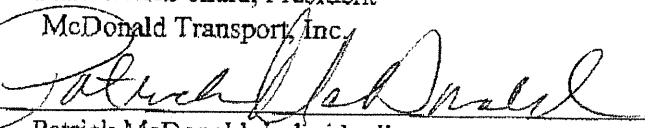
 Date: 6-20-08
Patrick McDonald, Individually

EXHIBIT D

McDonald Transport, Corp.

Er # 4449

Welfare Fund

PRINCIPAL TOTAL: \$ (5,040.72)

DOWN PYMT: \$1,260.18 Date: June 20, 2008
 Ck #: 1606

PRINC BALANCE: \$ (3,780.54)

NMBR PYMNTS: 12

MNTHLY PYMT: \$332.37 /month

| PAY THIS.... | | ...OR THIS | AFTER REGULAR PAYMENT | | Payments | Made |
|--------------|--------------|------------|-----------------------|-------------------|----------|---------|
| Date DUE | NOTE BALANCE | WEL PYMNT | PRINC PD | CURRENT PRINC BAL | Date | Check # |
| 1 07/30/08 | 3,812.04 | 332.37 | 300.87 | 3,479.67 | 8/27/08 | 1629 |
| 2 08/30/08 | 3,508.67 | 332.37 | 303.37 | 3,176.30 | 9/26/08 | 1642 |
| 3 09/30/08 | 3,202.77 | 332.37 | 305.90 | 2,870.40 | 11/6/08 | 1654 |
| 4 10/30/08 | 2,894.32 | 332.37 | 308.45 | 2,561.95 | 12/11/08 | 1662 |
| 5 11/30/08 | 2,583.30 | 332.37 | 311.02 | 2,250.93 | 2-25-09 | 7455 |
| 6 12/30/08 | 2,269.69 | 332.37 | 313.61 | 1,937.32 | 2-25-09 | 7455 |
| 7 01/30/09 | 1,953.46 | 332.37 | 316.23 | 1,621.09 | 2-25-09 | 7455 |
| 8 02/28/09 | 1,634.60 | 332.37 | 318.86 | 1,302.23 | 4/8/09 | 7468 |
| 9 03/30/09 | 1,313.09 | 332.37 | 321.52 | 980.72 | 5/13/09 | 7467 |
| 10 04/30/09 | 988.89 | 332.37 | 324.20 | 656.52 | 6/18/09 | 7471 |
| 11 05/30/09 | 661.99 | 332.37 | 326.90 | 329.62 | | |
| 12 06/30/09 | 332.37 | 332.37 | 329.62 | (0.00) | | |