

# EXHIBIT A

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

JAMES T. SULLIVAN, etc., et al.,	)	
Plaintiffs/Judgment Creditors,	)	No. 08 C 2904
	)	
v.	)	Judge Virginia Kendall
	)	
THOMAS H. LITVIN CO.,	)	Magistrate Judge Nolan
Defendant/Judgment Debtor,	)	
	)	
and	)	
	)	
BOVIS LEND LEASE, INC.,	)	
Citation Respondent.	)	

**CITATION TO DISCOVER ASSETS (THIRD PARTY)**

To: Bovis Lend Lease, Inc.  
Attn: John C. Morley  
One North Wacker Drive  
Suite 850  
Chicago, Illinois 60606

YOU ARE COMMANDED to appear at the offices of LEWIS, OVERBECK & FURMAN, LLP, 20 North Clark Street, Suite 3200, Chicago, Illinois, on **October 21, 2008, at 1:30 p.m.**, to be examined under oath concerning the property or income of, or indebtedness due or owed to Defendant/Judgment Debtor. This Citation examination shall be conducted by deposition as provided by the rules of this Court for depositions.

**YOUR FAILURE TO APPEAR FOR THIS CITATION ON October 21, 2008, AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.**

The undersigned attorney certifies that judgment was entered against Judgment Debtor, THOMAS H. LITVIN CO., in this cause on July 15, 2008, in the principal amount of \$1,036,149.90. The entire balance plus post-judgment interest at the rate of 2.25% per annum remains unsatisfied. As of September 10, 2008, after all credits and set-offs are given, the balance due is \$1,039,790.49, consisting of (1) principal of \$1,036,149.90 and (2) interest of \$3,640.59. Interest continues to accrue at a rate of \$63.87 per day while the judgment remains unsatisfied.

**YOU ARE FURTHER REQUIRED TO DO THE FOLLOWING UPON RECEIVING THIS CITATION UNTIL FURTHER ORDER OF THE COURT IN ACCORDANCE WITH ILLINOIS SUPREME COURT RULE 277(f), OR UNTIL THIS CITATION IS DISMISSED BY THE COURT OR BY STIPULATION:**

**YOU ARE REQUIRED TO PRODUCE** at the offices of LEWIS, OVERBECK, & FURMAN, LLP, 20 North Clark Street, Suite 3200, Chicago, Illinois, on or before October 14, 2008, all documents of every nature that are in your possession or control and that contain information concerning any assets, property, income of, or any indebtedness due or owed to Defendant/Judgment Debtor, under any name, including without limitation, documents reflecting the following (for the period from October 1, 2004, to the present, unless indicated otherwise):

- (i) All loans and promissory notes between Defendant/Judgment Debtor and Respondent or any other person or entity; loan or other financing applications; financial statements and reports, balance sheets, and payroll records of Defendant/Judgment Debtor; canceled checks written by or issued to Defendant/Judgment Debtor;
- (ii) All contracts for services or for the purchase or sale of goods, property listings, deeds, mortgages, trust agreements or assignments, leases, sale/leaseback contracts, and management contracts made or executed by or for the benefit of Defendant/Judgment Debtor;
- (iii) All construction project documents, status reports, change orders, lien waivers, and affidavits or notices issued or received pursuant to the Illinois Mechanics Lien Act, which involve Defendant/Judgment Debtor or its employees;
- (iv) All payments made by Respondent to or for the benefit of Defendant/Judgment Debtor or its employees;
- (v) Evidence of all monies owed by Respondent to the Judgment Debtor or its employees, whether due, overdue, or to become due;
- (vi) All records reflecting or pertaining to the transfer or lease of any real estate or personal property between Respondent and Defendant/Judgment Debtor and any persons affiliated with or employed by Defendant/Judgment Debtor;
- (vii) Ownership or investment interests of Respondent in Defendant/Judgment Debtor;
- (viii) Correspondence and notes of correspondence concerning any monies owed by Respondent or any other person or entity to Defendant/Judgment Debtor or its employees;
- (ix) All statements, invoices, and bills reflecting money owed to or work performed by Defendant/Judgment Debtor for the benefit of Respondent;

**YOU ARE PROHIBITED** from making or allowing any transfer or other disposition

of, or from interfering with: (i) any property not exempt from the enforcement of a judgment therefrom, a deduction order or garnishment belonging to Defendant/Judgment Debtor; (ii) any such property to which Defendant/Judgment Debtor may be entitled; and (iii) any such property that may be acquired by Defendant/Judgment Debtor, until further order of the Court or termination of the proceeding.

**YOU ARE PROHIBITED** from paying over or otherwise disposing of any monies not so exempt which currently are due or owed to, or which are to become due or owed to, Defendant/Judgment Debtor until further order of the Court or termination of the proceeding.

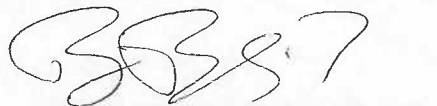
**THE COURT MAY PUNISH YOU FOR CONTEMPT OF COURT** if you violate the foregoing restraining provisions.

**YOUR FAILURE TO APPEAR AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.**

**CERTIFICATE OF ATTORNEY**

- 1. Judgment in the amount of \$1,036,149.90 was entered July 15, 2008.
- 2. Name of Court: United States District Court for the Northern District of Illinois, Eastern Division.
- 4. Case No. 08 C 2904.

I, the undersigned, certify under penalties as provided by law pursuant to 735 ILCS 5/1-109 to the Court that the foregoing information is true.



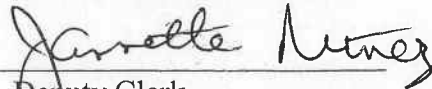
\_\_\_\_\_  
Brian T. Bedinghaus

Brian T. Bedinghaus  
Lewis, Overbeck & Furman, LLP  
Attorneys for Plaintiffs/Judgment Creditors  
20 North Clark Street, Suite 3200  
Chicago, Illinois 60602  
(312) 580-1269

SEP 10 2008

Issued this date: \_\_\_\_\_, 2008

MICHAEL W. DOBBINS  
Clerk, United States District Court  
for the Northern District of Illinois

By:   
\_\_\_\_\_  
Deputy Clerk  
(Please apply seal of Court)

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

JAMES T. SULLIVAN, etc., et al.,  
 Plaintiffs/Judgment Creditors,  
 v.  
 THOMAS H. LITVIN CO.,  
 Defendants/Judgment Debtor,  
 and  
 BOVIS LEND LEASE, INC.,  
 Citation Respondent.

No. 08 C 2904  
 Judge Virginia Kendall  
 Magistrate Judge Nolan

AFFIDAVIT OF SERVICE  
OF CITATION TO DISCOVER ASSETS (THIRD PARTY)

I am over 21 years of age and not a party to this case. I delivered copies of:

- The Citation to Discover Assets (Third Party)
- Citation Notice

to Bovis Lend Lease, Inc. employee, Betty Spears (Receptionist) at One North Wacker Drive, Suite 850, Chicago, Illinois, at 9:40 A.M. on September 11, 2008.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Robert C. Parizek

Lewis, Overbeck & Furman, LLP  
 20 N. Clark Street  
 Suite 3200  
 Chicago, IL 60602  
 (312) 580-1200

# **EXHIBIT B**

# Lewis, Overbeck & Furman, LLP

FILE COPY

ATTORNEYS AT LAW

20 NORTH CLARK STREET

SUITE 3200

CHICAGO, ILLINOIS 60602-5093

[www.lewisoverbeck.com](http://www.lewisoverbeck.com)

October 27, 2008

TELEPHONE 312.580.1200  
FACSIMILE 312.580.1201

WRITER'S DIRECT LINE  
312.580. 1269  
[bbedinghaus@lewisoverbeck.com](mailto:bbedinghaus@lewisoverbeck.com)

File: Lit-4782

Mr. John C. Morley  
Senior Vice President  
Bovis Lend Lease, Inc.  
One North Wacker Drive  
Suite 850  
Chicago, IL 60606

Re: James T. Sullivan, etc., et al. v. Thomas H. Litvin Company, 08 C 2904  
Citation to Discover Assets to Bovis Lend Lease, Inc.

Mr. Morley:

I represent the Plaintiffs in the captioned matter. On September 11, 2008, my office served a Citation to Discover Assets on Bovis Lend Lease, Inc. A copy of the Citation is enclosed for your reference.

I have not received a response to the Citation. Please arrange for the documents requested in the Citation to be assembled and delivered to my office by November 5, 2008. Upon my receipt of the documents, I will contact you to schedule the citation examination at my office.

Thank you in advance for your attention to this matter.

Very truly yours,

LEWIS, OVERBECK & FURMAN, LLP

Brian T. Bedinghaus

BTB:cu  
Enclosures  
BTB139479/65100-1149

# **EXHIBIT C**



**Bedinghaus, Brian T.**

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**From:** Bedinghaus, Brian T.  
**Sent:** Tuesday, November 18, 2008 5:05 PM  
**To:** 'sheila.hatten@bovislendlease.com'  
**Subject:** James T. Sullivan, etc., et al. v. Thomas H. Litvin Co.; Case No. 08 C 2904

Ms. Hatten:

As we discussed in our telephone conversation this afternoon, I am an attorney and represent James T. Sullivan, Trustee of the Benefit Funds for the Chicago Journeymen Plumbers' Local Union 130. A judgment was entered in favor of the Benefit Funds and against Thomas H. Litvin Co. in the above captioned lawsuit in the United States District Court for the Northern District of Illinois. The amount of the judgment is \$1,036,149.90.

Thomas H. Litvin Co. was a subcontractor on several Bovis projects when it went out of business this summer. In an effort to enforce the Benefit Funds' judgment, I issued a Citation to Discover Assets to Bovis Lend Lease. The Citation requests that Bovis produce all documents in its possession that contain information regarding the assets, property, income or any indebtedness due or owed to Thomas H. Litvin Co. The Citation also requests that John Morley appear for a Citation examination after the requested documents are produced.

Bovis was served with the Citation on September 11, 2008. After I did not receive a response from Bovis, I sent John Morley a letter on October 27, 2008, requesting a response. However, I still have not heard from Mr. Morley or from anyone else at Bovis.

Copies of the Citation and my letter of October 27, 2008, are attached. Please forward the documents to Mr. Morley so that he may contact me directly or refer me to someone at Bovis who can better respond to the Citation.

Thank you,

Brian T. Bedinghaus  
Lewis Overbeck & Furman, LLP  
20 N. Clark St., Suite 3200  
Chicago, IL 60602  
(312)580-1269  
[bbedinghaus@lewisoverbeck.com](mailto:bbedinghaus@lewisoverbeck.com)