

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,	)	Case No. 08 C 3439
v.	)	Judge Zagel
)	
FIRST CARPENTER CONTRACTORS, INC., et al.,	)	Magistrate Schenkier
)	
Defendants.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, ET AL. (collectively "Trust Funds"), by their attorney Kevin P. McJessy, hereby move this Court pursuant to Federal Rules of Civil Procedure 54, 55 and 58 to enter a judgment against FIRST CARPENTER CONTRACTORS, INC., an Illinois corporation and DAVID CORDRAY, individually and doing business as First Carpenter Contractors, Inc. In support of their motion, Plaintiffs state as follows:

1. The Trust Funds filed a complaint against the Defendants under ERISA to compel an audit of Defendants' books and records, for collection of unpaid contributions, interest and liquidated damages, for attorneys' fees and auditors' fees pursuant to ERISA, the collective bargaining agreements and the trust agreements.
2. After the lawsuit was filed and served, Defendants cooperated with the Trust Funds' auditors to complete an audit of its books and records.
3. The amount owed by Defendants based on the audit is \$19,445.78, which includes \$10,574.02 in unpaid contributions, \$1,707.31 in interest, \$2,114.80 in liquidated damages, \$3,333.25 in auditors' fees, and \$1,716.40 in attorneys fees as follows:

- A. \$10,574.02 in unpaid contributions pursuant to the audit; *see* Decl. of J. Libby, ¶6, Exhibit A; Decl. of C. Toblesky, ¶3, Exhibit B;
 - B. \$3,333.25 for auditor's fees incurred by the Trust Funds to complete the audit of Defendants' books and records; *see* Decl. of J. Libby, ¶6, Exhibit A; Decl. of C. Toblesky, ¶2, Exhibit B;
 - C. \$1,707.31 in interest under ERISA on the amount that is due; *see* 29 U.S.C. § 1132(g)(2)(B); 29 U.S.C. § 1132(g)(2)(C); Decl. of J. Libby, ¶7, Exhibit A; Decl. of C. Toblesky, ¶3, Exhibit B;
 - D. \$2,114.80 in liquidated damages; *see* Decl. of J. Libby, ¶7, Exhibit A; and
 - E. \$1,716.40 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); *see* McJessey Decl., ¶4, Exhibit C).
4. A proposed draft order is attached as Exhibit D.

WHEREFORE, Plaintiffs the Chicago Regional Council of Carpenters' Fund et al.

hereby move this Court to enter judgment in their favor and against Defendants First Carpenter Contractors, Inc. and David Cordray in the amount of \$19,445.78 as follows:

- A. \$10,574.02 in unpaid contributions pursuant to the audit;
- B. \$3,333.25 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$1,707.31 in interest under ERISA on the amount that is due;
- D. \$2,114.80 in liquidated damages;
- E. \$1,716.40 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);
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order; and
- G. such other relief as this Court deems appropriate.

CHICAGO REGIONAL COUNCIL OF CARPENTERS
PENSION FUND et al.

By: s/ Kevin P. McJessey
One of their attorneys

Kevin P. McJessy
McJESSY, CHING & THOMPSON, LLC
3759 North Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260
(773) 880-1265 (facsimile)
mcjessy@MCandT.com

CERTIFICATE OF SERVICE

I, Kevin P. McJessy, an attorney, certify that I caused the foregoing **Motion for Entry of Judgment** to be served upon

First Carpenter Contractors, Inc. and
David Cordray, President
10005 Spring Rd.
Garden Prairie, IL 61038

via U.S. First Class Mail, postage prepaid, deposited in the United States Mail Depository at 3759 N. Ravenswood, Chicago, Illinois on this 11th day of March 2009.

s/ Kevin P. McJessy
Kevin P. McJessy

08CV 3439

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,	)	08 C 3439
v.)	
	)	Judge Zagel
FIRST CARPENTER CONTRACTORS, INC.,)	
et al.,	)	Judge Schenkier
)	
Defendants.)	

DECLARATION OF JOHN LIBBY

I, John Libby, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

1. I am the Supervisor, Audits & Collections for 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").
2. As part of my duties, I am responsible for supervising and enforcing contributions for medical, pension and other benefits due from numerous employers pursuant to Collective Bargaining Agreements between the employers and the Trust Funds and pursuant to the Trust Agreements.
3. On August 11, 1994, David Cordray, as President of FIRST CARPENTER CONTRACTORS, INC. ("Defendant"), and the Chicago and Northeast Illinois District Council of Carpenters entered into the Collective Bargaining Agreement pursuant to which Defendant

agreed to make contributions to the Trust Funds. A true and accurate copy of this Memorandum of Agreement is attached as Exhibit A-1.

4. Defendant agreed to submit to a periodic audit of its books and records in order to verify the accuracy of the contributions reported and paid to the Trust Funds.

5. Defendant initially refused to produce all records and books necessary for the Trust Funds to conduct an audit of Defendant's fringe benefit contributions. After this lawsuit was filed, Defendant produced its books and records for an audit to the auditing firm engaged by the Trust Funds, Legacy Professionals, LLP.

6. A copy of the audit prepared for the Trust Funds is attached as Exhibit A-2.

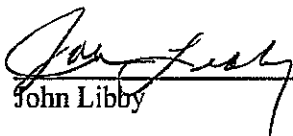
According to the audit, Defendant owes \$10,574.02 in unpaid contributions.

7. A summary of the calculation of accrued interest and liquidated damages is attached hereto as Exhibit A-3. Defendant owes \$1,707.31 in unpaid interest and \$2,114.80 in liquidated damages.

8. Because Defendant failed to comply with the terms of the Collective Bargaining Agreement and related Trust Agreements, the Trust Funds have had to employ the services of McJessey, Ching & Thompson, LLC. As a result, the Trust Funds incurred additional audit fees and attorneys' fees.

9. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER DECLARANT SAYETH NOT.

 3/10/09
John Libby

08 CV 3439

EXHIBIT A-1

date
8-25-94

AGREEMENT

First Carpenter
Firm Contractors, Inc. Address 9589 Henninger Drive
City Belvidere State IL Zip Phone 61008

THIS AGREEMENT is entered into between CHICAGO AND NORTHEAST ILLINOIS DISTRICT COUNCIL OF CARPENTERS, COOK, DU PAGE, GRUNDY, IROQUOIS, KANE, KANKAKEE, KENDALL, LAKE, MC HENRY AND WILL COUNTIES, ILLINOIS hereinafter sometimes referred to as the "UNION" and

First Carpenter Contractors, Inc.
hereinafter referred to as "EMPLOYER"

The EMPLOYER and the UNION do hereby agree as follows:

1. EMPLOYER recognizes the UNION as the sole and exclusive bargaining agent for and on behalf of the employees of the EMPLOYER coming within the territorial and occupational jurisdiction of the UNION.
2. EMPLOYER agrees to be bound by the terms of the Trust Agreements of the fringe benefit trust funds to which contributions are required to be made under the Agreement referred to in numbered paragraph 3 hereof and all rules and regulation adopted by the Trustees thereof, and agrees to make prompt payments of the per hour contributions with respect to each such Trust Fund.
3. EMPLOYER and the UNION hereby incorporate by reference and agree to be bound through their respective expiration dates by each of the Area Agreements in effect on December 31, 1983 negotiated between subordinated bodies of the United Brotherhood of Carpenters and Joiners of America and certain Employers Associations in counties of Illinois which, effective, on or after January 1, 1984, make up the geographic jurisdiction of the Chicago and Northeast Illinois District Council of Carpenters.

date
8-25-94

4. EMPLOYER and the UNION hereby agree to be bound by the Area Agreements negotiated between the Chicago and Northeast Illinois District Council of Carpenters and the various Employer Associations for the period beginning with the expiration date of the several Agreements referred to in numbered paragraph 3 thereof and ending on the expiration dates of any successor Agreements thereto from year to year thereafter unless the Employer gives written notice to the UNION of a desire to amend or terminate any of such Agreements at least three calendar months prior to the expiration of such Agreement or Agreements.

IN WITNESS WHEREOF, the parties have executed this Agreement the
11th day of August, 19 94

EMPLOYER First Carpenter
Contractors, Inc.

CHICAGO AND NORTHEAST ILLINOIS
DISTRICT COUNCIL OF CARPENTERS

BY: David Cordray, President
(Print or Type Name) (Title)

David Cordray
(Signature)

W.S. Rabinak

Business Representative
William Rabinak

08 CV 3439

EXHIBIT A-2

Potential 160 violation

Legacy Professionals LLP

Records Reviewed

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Phone:	815-608-2438

Audit Results	
Discrepancy Total Hours	0.00
Discrepancy Benefit Hours	730.25
Discrepancy Amount	\$10,574.02
Liquidated Damages	\$2,114.80
Grand Total	\$12,688.82

Potential 160 violation

Associated Account(s)
First Carpenter Contractors, Inc. (50303)
Already in Progress

Reviewed	Employer Records
Yes	Bank Statements
No	Cash Disbursement Journals
Yes	Check Register / Cancelled Checks / Vouchers
No	Construction Loan Data
Yes	Contribution Reports to Audited Funds
Yes	Contribution Reports to All Other Funds
Yes	Federal Income Tax Returns
No	General Ledgers
Yes	Individual Earnings Records
No	Invoices from Sub-Contractors
No	Payroll Journals
Yes	Quarterly Federal Tax Returns (941)
Yes	Quarterly Unemployment Wage Reports
No	Miscellaneous Income Payment Reports (1099)
No	Summary of Information Returns (1096)
No	Time Cards
Yes	Transmittal of Income and Tax Statements (W-3)
No	Vendor List
Yes	Wage and Tax Statements (W-2)

Audit Type: Random

**Potential 160 Violation
Copy Forwarded to Attorney**

Date Reviewed:

Reviewer:

Legacy Professionals LLP

Discrepancy Summary By Fund

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

Fund	Period Ending	Discrepancy Hours	Contribution Rate	Contributions Due
Health & Welfare Fund	1/06 to 9/06	0.00	6.76	\$0.00
	10/06 to 6/07	730.25	7.96	\$5,812.79
Fund Totals:		730.25		\$5,812.78
Construction Pension Fund	1/06 to 9/06	0.00	3.41	\$0.00
	10/06 to 6/07	730.25	3.91	\$2,855.28
Fund Totals:		730.25		\$2,855.28
Annuity	1/06 to 9/06	0.00	1.90	\$0.00
	10/06 to 6/07	730.25	2.00	\$1,460.50
Fund Totals:		730.25		\$1,460.50
Apprentice Program	1/06 to 9/06	0.00	0.49	\$0.00
	10/06 to 6/07	730.25	0.49	\$357.82
Fund Totals:		730.25		\$357.82

Legacy Professionals LLP

Discrepancy Summary By Fund

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

Fund	Period Ending	Discrepancy Hours	Contribution Rate	Contributions Due
Intl. Fund	1/06 to 9/06	0.00	0.06	\$0.00
	10/06 to 6/07	730.25	0.06	\$43.82
Fund Totals:		730.25		\$43.82
Labor/Management Education	1/06 to 9/06	0.00	0.02	\$0.00
	10/06 to 6/07	730.25	0.02	\$14.61
Fund Totals:		730.25		\$14.61
IND ADV / M.I.A.F.	1/06 to 9/06	0.00	0.04	\$0.00
	10/06 to 6/07	730.25	0.04	\$29.21
Fund Totals:		730.25		\$29.21
Sub-Total All Funds				\$10,574.02
Liquidated Damages				\$2,114.80
Total Amount Due to All Funds				\$12,688.82

Discrepancy Summary By Month

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Page:	1 of 6

Reporting Period	Discrepancy Total Hours	Discrepancy Benefit Hours	Contribution Rate	Discrepancy Amount
October 2006	0.00	46.25	14.48	\$669.70
November 2006	0.00	653.75	14.48	\$9,466.30
May 2007	0.00	30.25	14.48	\$438.02
	Total Hours 0.00	Benefit Hours 730.25	Discrepancy Amount Liquidated Damages Total Amount Due	\$10,574.02 \$2,114.80 \$12,688.82

Discrepancy Summary By Error Type

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Page:	2 of 6

Code	Description	Dollar Amount
SIGNATORY EMPLOYER: PAYROLL		
CD1	Non-Signatory Subcontractor 100% Labor Factor	\$ 10,574.02
Sub-Total Discrepancies From All Listed Codes		\$ 10,574.02
Liquidated Damages		\$ 2,114.80
Total Amount Due		\$ 12,688.82

Liquidated Damages Schedule

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Page:	3 of 6

Reporting Period	Contributions Due	Compounding Periods	Calculating Percentage	Total Liquidated Damages Owed
October 2006	669.70	21.00	20.00%	133.94
November 2006	9,466.30	20.00	20.00%	1,893.26
May 2007	438.02	14.00	20.00%	87.60
Total Discrepancies				
	\$ 10,574.02		Total Damages this Schedule	2,114.80
			20% of Discrepancies	2,114.80
Assessed Damages				\$2,114.80

Monthly Detail Report

Account Number: 20658 Audit Period: January 1, 2006 - June 30, 2007
 Employer: First Carpenter Contractors, Inc. Month: October 2006
 Address: 677 Fieldcrest Rd. Page #: 4 of 6
 Phone: Belvidere, IL 61008
 815-332-5454

Reference Number	Employee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				W/E	Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference	
					W/E 6-Oct	W/E 13-Oct	W/E 20-Oct	W/E 27-Oct						
2	Bye, Jeremy	CD1	0.00	0.00	0.00	0.00	0.00	0.00	21.25	21.25	0.00	21.25		
3	Embry, Ben	CD1	0.00	0.00	0.00	0.00	0.00	0.00	10.00	10.00	0.00	10.00		
5	Polinder, Nick	CD1	0.00	0.00	0.00	0.00	0.00	0.00	15.00	15.00	0.00	15.00		
Total											0.00	46.25	0.00	46.25

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 20658 Audit Period: January 1, 2006 - June 30, 2007
 Employer: First Carpenter Contractors, Inc. Month: November 2006
 Address: 677 Fieldcrest Rd. Page #: 5 of 6
 Phone: Belvidere, IL 61008

Reference Number	Employee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				W/E 29-Nov	Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference				
					W/E 1-Nov	W/E 8-Nov	W/E 15-Nov	W/E 22-Nov									
4	Mitroff Group, Ltd.	CD1	0.00	0.00	0.00	653.75	0.00	0.00	0.00	653.75	653.75	0.00	653.75				
Total											0.00	653.75	0.00	0.00	653.75	0.00	653.75

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 20658 Audit Period: January 1, 2006 - June 30, 2007
 Employer: First Carpenter Contractors, Inc. Month: May 2007
 Address: 677 Fieldcrest Rd. Page #: 6 of 6
 Phone: Belvidere, IL 61008

Reference Number	Employee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *							Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 2-May	W/E 9-May	W/E 16-May	W/E 23-May	W/E 30-May	Total Hours				
1	Andco Kitchens and Bath...	CD1	0.00	0.00	30.25	0.00	0.00	0.00	0.00	0.00	30.25	0.00	30.25	
Total			30.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.25	0.00	30.25	

Total Items Listed in this Period: 1.00

Andco Kitchens and Baths, Inc.

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
05/02/07	1101.37	Labor Factor 100%	1101.37	36.52	30.25

Totals 30.25

Jeremy Bye

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
10/13/06	490.00	Labor Factor 100%	490.00	22.96	21.25

Totals 21.25

Ben Embry

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
10/13/06	228.00	Labor Factor 100%	228.00	22.96	10.00

Totals 10.00

Mitroff Group Ltd.

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
11/06/06	23876.00	Labor Factor 100%	23876.00	36.52	653.75

Totals 653.75

Nick Polinder

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
10/13/06	344.00	Labor Factor 100%	344.00	22.96	15.00

Totals 15.00

Non-Signatory Sub-Contractors

Account Number: 20658	Audit Period: January 1, 2006 - June 30, 2007	
Employer: First Carpenter Contractors, Inc.	Contact: Gina Bye	
Address: 677 Fieldcrest Rd. Belvidere, IL 61008	Title: Office Manager	
Phone: 815-332-5454		

1

Andco Kitchens and Baths, Inc.
2241 15th Street
Rockford, IL 61104
Phone: 815-398-1550
No invoice provided

4

Mitroff Group Ltd.
2430 South Arlington Heights Rd.
Suite 103
Arlington Heights, IL 60005
No invoice provided

2

Bye, Jeremy
302 Scarlet Oak Dr.
Poplar Grove, IL 61065
pick-up/scrapping
\$22.96

5

Polinder, Nick
ADDRESS UNKNOWN

pick-up/scrapping
\$22.96

3

Embry, Benjamin L.
7572 N. Cherryvale Apt. 102
Cherry Valley, IL 61016
pick-up/scrapping
\$22.96

Potential 160 Rule Persons

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

347-62-6424
Cordray, David E.
10005 Spring Rd.
Garden Prairie, IL 61038
50% Owner, President, Carpenter
Works with tools

Months not at 160 hours:

March 2007 - no hours reported
April 2007 - no hours reported
May 2007 - no hours reported
June 2007 - no hours reported

08 CV 3439

EXHIBIT A-3

Summary of Contributions, Liquidated Damages & Interest Due
 For The Reporting Period(s) Specified Below
 Computed Through March 6, 2009

Employer Information

File Number 20658
 Name FIRST CARPENTER CONTRS INC
 Address 677 FIELDCREST ROAD
 City, State BELVIDERE, IL. 61008-0382
 Telephone

Page Number 1 of 3
 Reference Number: 8-187
 Date Printed: 03/06/2009

Reporting Period	Delinquent Contributions	Liquidated Damages (1)	Interest(1)	Total Due
October, 2006	\$ 669.70	\$ 361.62	\$ 114.19	\$ 1,145.51
November, 2006	9,466.30	4,896.18	1,541.65	15,904.13
May, 2007	438.02	169.76	51.48	659.26
Grand Total (3)	\$ 10,574.02	\$ 2,114.80	\$ 1,707.31	\$ 14,396.13

(1) See Attached Computation

(3) Total Damages Capped at 20.00% in Accordance With ERISA Limitation

Total Amount Due : \$ 14,396.13 If Paid by March 6, 2009

Computation of Liquidated Damages
 For The Reporting Period(s) Specified Below
 Computed Through March 6, 2009

Employer Information

File Number 20658
 Name FIRST CARPENTER CONTRS INC
 Address 677 FIELDCREST ROAD
 City, State BELVIDERE, IL. 61008-0382
 Telephone

Page Number 2 of 3
 Reference Number: 8-187
 Date Computed: 03/06/2009

Reporting Period	Contributions Due	Computation Base	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
October, 2006	\$ 669.70	\$ 669.70	29	\$ 361.62	\$ 361.62
November, 2006	9,466.30	9,466.30	28	4,896.18	4,896.18
May, 2007	438.02	438.02	22	169.76	169.76
Total (3)	\$ 10,574.02				\$ 2,114.80

(2) 1.50% Compounded per Month (or portion thereof)

(3) Total Damages Capped at 20.00% in Accordance With ERISA Limitation

Computation of Interest
 For The Reporting Period(s) Specified Below
 Computed Through March 6, 2009

Employer Information

File Number 20658
 Name FIRST CARPENTER CONTRS INC
 Address 677 FIELDCREST ROAD
 City, State BELVIDERE, IL. 61008-0382
 Telephone

Page Number 3 of 3
 Reference Number: 8-187
 Date Computed: 03/06/2009

Reporting Period	Contributions Due	Computation Base	Delinquent Period From	Delinquent Period To	Delinquent Period Days	Computed Interest (3)	Total Interest For Reporting Period
October, 2006	\$ 669.70	\$ 669.70	11/21/2006	03/06/2009	937	\$ 114.19	\$ 114.19
November, 2006	9,466.30	9,466.30	12/21/2006	03/06/2009	807	1,541.65	1,541.65
May, 2007	438.02	438.02	06/21/2007	03/06/2009	625	51.48	51.48
Total	\$ 10,574.02						\$ 1,707.31

08CV3439

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
	)	08 C 3439
Plaintiffs,)	
v.	)	Judge Zagel
)	
FIRST CARPENTER CONTRACTORS, INC.,	)	Judge Schenkier
et al.,)	
)	
Defendant.)	

DECLARATION OF JAMES KEMPERAS

I, James Kemperas, hereby declare, under penalty of perjury pursuant to the laws of the

United States, as follows:

1. I am the Manager of the Compliance Audit Department at the Certified Public Accounting firm of Legacy Professionals LLC. ("Legacy"). I am familiar with the billings to 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 Carpenters Apprentice and Trainee Program ("Trainee Fund"), and the Labor/Management Union Carpentry Cooperation Promotion Fund ("Labor/Management Fund") (collectively "the Trust Funds"), including fees and expenses incurred in connection with auditing the books and records of signatory companies.

2. In connection with efforts to obtain and conduct an audit of the books and records of FIRST CARPENTER CONTRACTORS, INC. ("Defendant"), the Trust Funds incurred \$3,333.25 in fees and expenses through February 28, 2009. These efforts were comprised of communications with the Defendant, review and analysis of the Defendant's books and records, creation and revision of the audit report, and follow-up communications with the Trust Funds

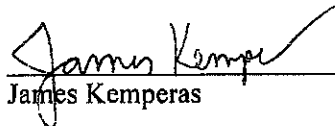
and its agents. Legacy's rate for its auditors was \$67.00 per hour. A breakdown of the fees and costs to the Trust Funds in this matter are attached as Exhibit B-1.

3. The final audit report prepared by Legacy based on records produced by Defendant is attached as Exhibit B-2.

4. The audit fees and expenses charged to the Trust Funds in this matter are consistent with Legacy's regular charges for services to the Trust Funds on similar matters.

5. I have personal knowledge of the matters stated in this declaration and could testify competently to them.

FURTHER AFFIANT SAYETH NOT.


James Kemperas

08CV3439

EXHIBIT B-1

Client: 9425 Chgo RC Carp PRA
Job: PR1516 First Carpenter Contrs, Inc.

***** No.	Employee Name	***** Date	WIP	Serv. Code	Description	Total Hours	Standard Charge	N	C	
1029	J Kemperas	9/18/08		40412	Technical Review	1.00	210.00			
1827	B Yackley	7/29/08		40708	Review CD's/register	2.25	202.50			
1029	J Kemperas	9/19/08		40807	Post review adjust	.75	157.50			
1152	C Kogut	7/18/08		40424	Corres. with Atty.	.50	97.50			
1827	B Yackley	8/19/08		40805	Prep remarks	1.00	90.00			
1827	B Yackley	8/19/08		40803	Prep report/CD's	1.00	90.00			
1827	B Yackley	8/19/08		40801	Prep work papers	1.00	90.00			
1827	B Yackley	7/30/08		40805	Prep remarks	1.00	90.00			
1827	B Yackley	7/30/08		40312	Database inquiry	1.00	90.00			
1827	B Yackley	7/29/08		40707	Doc nonrep employees	1.00	90.00			
1787	C Wilcher	9/19/08		40411	Quality Control Rev	.75	86.25			
1827	B Yackley	8/18/08		40805	Prep remarks	.75	67.50			
1827	B Yackley	8/18/08		40805	Prep remarks	.75	67.50			
199	C Expenses	8/06/08		99910	Auto - Local Mi Yackley	39.20	39.20			
1827	B Yackley	8/18/08		40803	Prep report/CD's	.50	45.00			
1827	B Yackley	8/18/08		40801	Prep work papers	.50	45.00			
1827	B Yackley	8/18/08		40312	Database inquiry	.50	45.00			
1827	B Yackley	7/31/08		40805	Prep remarks	.50	45.00			
1827	B Yackley	7/31/08		40312	Database inquiry	.50	45.00			
1827	B Yackley	7/31/08		40703	Reconcile wages	.50	45.00			
1827	B Yackley	7/29/08		40711	Review bank stmts	.50	45.00			
1827	B Yackley	7/29/08		40702	Consult-employer	.50	45.00			
1827	B Yackley	7/17/08		40610	Post audit con-Fund	.50	45.00			
1827	B Yackley	7/29/08		40714	Exit meeting	.25	22.50			
1827	B Yackley	7/29/08		40713	call office - field	.25	22.50			
1827	B Yackley	7/29/08		40704	Classify employees	.25	22.50			
1827	B Yackley	7/29/08		40701	Review prov records	.25	22.50			
1827	B Yackley	7/28/08		40316	consult in-house	.25	22.50			
1827	B Yackley	7/21/08		40317	prep/mail confirm	.25	22.50			
1827	B Yackley	7/21/08		40313	Calls to employer	.25	22.50			
1827	B Yackley	7/18/08		40313	Calls to employer	.25	22.50			
199	C Expenses	8/06/08		99912	Local-Parking;T Yackley	1.35	1.35			
							-----	2054.30		
							19.25			

Legacy Professionals LLP
 Job Detail Inquiry
 Client: 9425 Chgo RC Carp PRA
 Job...: PR1516 First Carpenter Contrs, Inc.

Date: 3/10/09
 Time: 17:28:55

Employee No.	Employee Name	*****	WIP Date	Serv. Code	Description	Total Hours	Standard Charge	N	C
1827	B Yackley		12/13/07	40805	Prep remarks	1.75	148.75		
1029	J Kemperas		12/13/07	40412	Technical Review	.50	102.50		
1152	C Kogut		10/17/07	40425	Consultation-Inhouse	.50	95.00		
1827	B Yackley		12/13/07	40801	Prep work papers	1.00	85.00		
1827	B Yackley		10/30/07	40711	Review bank stmts	1.00	85.00		
1827	B Yackley		12/13/07	40803	Prep report/CD's	.75	63.75		
1827	B Yackley		10/04/07	40708	Review CD's/register	.75	63.75		
1827	B Yackley		10/04/07	40706	Verify reported hrs	.75	63.75		
1029	J Kemperas		9/10/07	40311	Initial file prep	.25	51.25		
1827	C Expenses		10/17/07	99910	Auto - Local Mi Yackley	.50	35.41		
1827	B Yackley		12/13/07	40802	Prep report/payroll	.50	42.50		
1827	B Yackley		12/14/07	40801	Prep work papers	.50	42.50		
1827	B Yackley		12/14/07	40805	Prep remarks	.50	42.50		
1827	B Yackley		10/04/07	40705	Rev CR's other Funds	.50	42.50		
1827	B Yackley		10/04/07	40703	Reconcile wages	.50	42.50		
1827	B Yackley		10/04/07	40702	Consult-employer	.25	21.25		
1827	B Yackley		10/30/07	40702	Consult-employer	.25	21.25		
1827	B Yackley		10/19/07	40702	Consult-employer	.25	21.25		
1827	B Yackley		10/04/07	40714	Exit meeting	.25	21.25		
1827	B Yackley		10/04/07	40711	Review bank stmts	.25	21.25		
1827	B Yackley		10/04/07	40704	Classify employees	.25	21.25		
1827	B Yackley		10/04/07	40701	Review prov records	.25	21.25		
1827	B Yackley		9/19/07	40317	prep/mail confirm	.25	21.25		
1827	B Yackley		9/06/07	40320	print CR's	.25	21.25		
1827	B Yackley		9/06/07	40320	print CR's	.25	21.25		
1762	N Nigliazzo		9/04/07	40311	Initial file prep	.25	21.25		
199	C Expenses		10/17/07	99912	Local-Parking;T Yackley	.40	1362.06		
						12.75			
							1362.06		

BLM325

Legacy Professionals LLP
Job Detail Inquiry

Date: 3/10/09
Time: 17:32:01

Client: 9425 Chgo RC Carp PRA
Job...: PR1516 First Carpenter Contrs, Inc.

***** No.	Employee Name	***** WIP Date	Serv. Code	Description	Total Hours	Standard Charge	N C
781	J McCord	12/21/07	40404	Report Processing	1.25	16.25	
1152	C Kogut	12/17/07	40401	Audit Preparation	1.50	95.00	
1029	J Kemperas	12/17/07	40412	Technical Review	1.50	102.50	
1827	B Yackley	12/17/07	40807	Post review adjust	1.25	21.25	
					1.50	235.00	

Legacy Professionals LLP
 Job Detail Inquiry
 Client: 9425 Chgo RC Carp PRA
 Job: ... PRI533 First Carpenter Contractors

Date: 3/10/09
 Time: 17:29:29

No.	Employee Name	*****	WIP Date	Serv. Code	Description	Total Hours	Standard Charge	N	C
1029	J Kemperas		12/13/07	40412	Technical Review	.50	102.50		
1827	B Yackley		10/04/07	40708	Review CD's/register	.75	63.75		
1827	B Yackley		10/04/07	40706	Verify reported hrs	.75	63.75		
199	C Expenses		10/17/07	99910	Auto - Local MI Yackley		35.41		
1827	B Yackley		12/13/07	40803	Prep report/CD's	.50	42.50		
1827	B Yackley		12/13/07	40802	Prep report/payroll	.50	42.50		
1827	B Yackley		12/13/07	40801	Prep work papers	.50	42.50		
1827	B Yackley		11/26/07	40806	Prep rec needed doc	.50	42.50		
1827	B Yackley		10/16/07	40701	Review prov records	.50	42.50		
1827	B Yackley		10/04/07	40711	Review bank stmts	.50	42.50		
1827	B Yackley		10/04/07	40704	Classify employees	.50	42.50		
1827	B Yackley		10/04/07	40703	Reconcile wages	.50	42.50		
1827	B Yackley		12/13/07	40805	Prep remarks	.50	42.50		
1827	B Yackley		12/14/07	40805	Prep remarks	.25	21.25		
1827	B Yackley		12/14/07	40801	Prep work papers	.25	21.25		
1827	B Yackley		11/12/07	40701	Review prov records	.25	21.25		
1827	B Yackley		11/07/07	40313	Calls to employer	.25	21.25		
1827	B Yackley		10/04/07	40714	Exit meeting	.25	21.25		
1827	B Yackley		10/04/07	40705	Rev CR's other Funds	.25	21.25		
1827	B Yackley		10/04/07	40702	Consult-employer	.25	21.25		
1827	B Yackley		10/04/07	40701	Review prov records	.25	21.25		
1827	B Yackley		10/03/07	40313	Calls to employer	.25	21.25		
1827	B Yackley		9/19/07	40313	Calls to employer	.25	21.25		
1827	B Yackley		9/17/07	40313	Calls to employer	.25	21.25		
1762	N Migliazzo		9/05/07	40311	Initial file prep	.25	21.25		
199	C Expenses		10/17/07	99912	Local-Parking;T Yackley		40		
						9.50	903.31		

BLM325

Legacy Professionals LLP
Job Detail Inquiry

Date: 3/10/09
Time: 17:33:46

Client: 9425 Chgo RC Carp PRA
Job....: PR1533 First Carpenter Contractors

***** Employee *****

No.	Employee Name	WIP Date	Serv. Code	Description	Total Hours	Standard Charge	N	C
781	J McGord	12/21/07	40404	Report Processing	.25	16.25		
1827	B Yackley	12/20/07	40807	Post review adjust	.25	21.25		
1152	C Kogut	12/17/07	40401	Audit Preparation	.50	95.00		
1029	J Kemperas	12/17/07	40412	Technical Review	.50	102.50		
1827	B Yackley	12/17/07	40807	Post review adjust	.25	21.25		
					1.75	256.25		

Client: 9425 Chgo RC Carp PRA
Job...: PR1533 First Carpenter Contractors

***** No.	***** Employee Name	***** WIP Date	***** Serv. Code	Description	Total Hours	Standard Charge	N C
1845	A Derrick	10/06/08	40733	Doc nonrep emp RC	1.50	135.00	
1029	J Kemperas	9/19/08	40807	Post review adjust	.25	52.50	
1787	C Wilcher	9/19/08	40411	Quality Control Rev	.50	57.50	
1029	J Kemperas	9/18/08	40412	Technical Review	.25	52.50	
1827	B Yackley	8/19/08	40805	Prep remarks	.25	22.50	
1827	B Yackley	8/19/08	40801	Prep work papers	.25	22.50	
1827	B Yackley	8/18/08	40803	Prep report/CP's	.50	45.00	
1827	B Yackley	8/18/08	40801	Prep work papers	.50	45.00	
1827	B Yackley	8/18/08	40312	Database inquiry	.50	45.00	
1827	B Yackley	8/11/08	40313	Calls to employer	.25	22.50	
199	C Expenses	8/06/08	99912	Local-Parking f Yackley		1.20	
199	C Expenses	8/06/08	99910	Auto - Local Mi Yackley		39.20	
1827	B Yackley	7/28/08	40313	Calls to employer	.25	22.50	
					-----	562.90	
					-----	5.00	

08 CV 3439

EXHIBIT B-2

Potential 160 violation

Legacy Professionals LLP

Records Reviewed

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Phone:	815-608-2438

Audit Results	
Discrepancy Total Hours	0.00
Discrepancy Benefit Hours	730.25
Discrepancy Amount	\$10,574.02
Liquidated Damages	\$2,114.80
Grand Total	\$12,688.82

Associated Account(s)
First Carpenter Contractors, Inc. (50303) Already in Progress

Potential 160 violation

Reviewed	Employer Records
Yes	Bank Statements
No	Cash Disbursement Journals
Yes	Check Register / Cancelled Checks / Vouchers
No	Construction Loan Data
Yes	Contribution Reports to Audited Funds
Yes	Contribution Reports to All Other Funds
Yes	Federal Income Tax Returns
No	General Ledgers
Yes	Individual Earnings Records
No	Invoices from Sub-Contractors
No	Payroll Journals
Yes	Quarterly Federal Tax Returns (941)
Yes	Quarterly Unemployment Wage Reports
No	Miscellaneous Income Payment Reports (1099)
No	Summary of Information Returns (1096)
No	Time Cards
Yes	Transmittal of Income and Tax Statements (W-3)
No	Vendor List
Yes	Wage and Tax Statements (W-2)

Audit Type: Random **Potential 160 Violation**
Copy Forwarded to Attorney

Date Reviewed: Reviewer:

Legacy Professionals LLP

Discrepancy Summary By Fund

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

Fund	Period Ending	Discrepancy Hours	Contribution Rate	Contributions Due
Health & Welfare Fund	1/06 to 9/06	0.00	6.76	\$0.00
	10/06 to 6/07	730.25	7.96	\$5,812.79
Fund Totals:		730.25		\$5,812.78
Construction Pension Fund	1/06 to 9/06	0.00	3.41	\$0.00
	10/06 to 6/07	730.25	3.91	\$2,855.28
Fund Totals:		730.25		\$2,855.28
Annuity	1/06 to 9/06	0.00	1.90	\$0.00
	10/06 to 6/07	730.25	2.00	\$1,460.50
Fund Totals:		730.25		\$1,460.50
Apprentice Program	1/06 to 9/06	0.00	0.49	\$0.00
	10/06 to 6/07	730.25	0.49	\$357.82
Fund Totals:		730.25		\$357.82

Legacy Professionals LLP

Discrepancy Summary By Fund

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

Fund	Period Ending	Discrepancy Hours	Contribution Rate	Contributions Due
Intl. Fund	1/06 to 9/06	0.00	0.06	\$0.00
	10/06 to 6/07	730.25	0.06	\$43.82
Fund Totals:		730.25		\$43.82
Labor/Management Education	1/06 to 9/06	0.00	0.02	\$0.00
	10/06 to 6/07	730.25	0.02	\$14.61
Fund Totals:		730.25		\$14.61
IND ADV / M.I.A.F.	1/06 to 9/06	0.00	0.04	\$0.00
	10/06 to 6/07	730.25	0.04	\$29.21
Fund Totals:		730.25		\$29.21

Sub-Total All Funds	\$10,574.02
Liquidated Damages	\$2,114.80
Total Amount Due to All Funds	\$12,688.82

Discrepancy Summary By Month

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Page:	1 of 6

Reporting Period	Discrepancy Total Hours	Discrepancy Benefit Hours	Contribution Rate	Discrepancy Amount
October 2006	0.00	46.25	14.48	\$669.70
November 2006	0.00	653.75	14.48	\$9,466.30
May 2007	0.00	30.25	14.48	\$438.02

	Total Hours	0.00	Benefit Hours	730.25	Discrepancy Amount	\$10,574.02
					Liquidated Damages	\$2,114.80
					Total Amount Due	\$12,688.82

Discrepancy Summary By Error Type

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Page:	2 of 6

Code	Description	Dollar Amount
SIGNATORY EMPLOYER: PAYROLL		
CD1	Non-Signatory Subcontractor 100% Labor Factor	\$ 10,574.02
Sub-Total Discrepancies From All Listed Codes		\$ 10,574.02
Liquidated Damages		\$ 2,114.80
Total Amount Due		\$ 12,688.82

Liquidated Damages Schedule

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454	Page:	3 of 6

Reporting Period	Contributions Due	Compounding Periods	Calculating Percentage	Total Liquidated Damages Owed
October 2006	669.70	21.00	20.00%	133.94
November 2006	9,466.30	20.00	20.00%	1,893.26
May 2007	438.02	14.00	20.00%	87.60
Total Discrepancies				
	\$ 10,574.02		Total Damages this Schedule 20% of Discrepancies	2,114.80 2,114.80
Assessed Damages				\$2,114.80

Monthly Detail Report

Account Number: 20658 Audit Period: January 1, 2006 - June 30, 2007
 Employer: First Carpenter Contractors, Inc. Month: October 2006
 Address: 677 Fieldcrest Rd. Page #: 4 of 6
 Phone: Belvidere, IL 61008
 815-332-5454

Reference Number	Employee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *					Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 6-Oct	W/E 13-Oct	W/E 20-Oct	W/E 27-Oct	W/E				
2	Bye, Jeremy	CD1	0.00	0.00	0.00	21.25	0.00	0.00	0.00	21.25	0.00	0.00	21.25
3	Embry, Ben	CD1	0.00	0.00	0.00	10.00	0.00	0.00	0.00	10.00	0.00	0.00	10.00
5	Polinder, Nick	CD1	0.00	0.00	0.00	15.00	0.00	0.00	0.00	15.00	0.00	0.00	15.00
Total						0.00	46.25	0.00	0.00	0.00	0.00	0.00	46.25

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 20658 Audit Period: January 1, 2006 - June 30, 2007
 Employer: First Carpenter Contractors, Inc. Month: November 2006
 Address: 677 Fieldcrest Rd. Page #: 5 of 6
 Phone: Belvidere, IL 61008

Reference Number	Employee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *				Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference		
					W/E 1-Nov	W/E 8-Nov	W/E 15-Nov	W/E 22-Nov					W/E 29-Nov	
4	Mitroff Group, Ltd.	CD1	0.00	0.00	0.00	653.75	0.00	0.00	0.00	653.75	0.00	653.75		
Total											0.00	653.75	0.00	653.75

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 20658 **Audit Period:** January 1, 2006 - June 30, 2007
Employer: First Carpenter Contractors, Inc. **Month:** May 2007
Address: 677 Fieldcrest Rd. **Page # :** 6 of 6
Phone: Belvidere, IL 61008

Reference Number	Employee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *							Total Hour Difference	Benefit Hour Difference
					W/E 2-May	W/E 9-May	W/E 16-May	W/E 23-May	W/E 30-May	Total Hours	Capped Hours		
1	Andco Kitchens and Bath...	CD1	0.00	0.00	30.25	0.00	0.00	0.00	0.00	0.00	30.25	0.00	30.25
Total			30.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.25	0.00	30.25

Total Items Listed in this Period: 1.00

Andco Kitchens and Baths, Inc.

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
05/02/07	1101.37	Labor Factor 100%	1101.37	36.52	30.25

Totals 30.25

Jeremy Bye

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
10/13/06	490.00	Labor Factor 100%	490.00	22.96	21.25

Totals 21.25

Ben Embry

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
10/13/06	228.00	Labor Factor 100%	228.00	22.96	10.00

Totals 10.00

Mitroff Group Ltd.

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
11/06/06	23876.00	Labor Factor 100%	23876.00	36.52	653.75

Totals 653.75

Nick Polinder

Check Date	Amount	Comment	Labor Amount	Prevailing Wage Scale	Hours Labor / Rate
10/13/06	344.00	Labor Factor 100%	344.00	22.96	15.00

Totals 15.00

Non-Signatory Sub-Contractors

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

1

Andco Kitchens and Baths, Inc.
2241 15th Street
Rockford, IL 61104
Phone: 815-398-1550
No invoice provided

2

Bye, Jeremy
302 Scarlet Oak Dr.
Poplar Grove, IL 61065
pick-up/scraping
\$22.96

3

Embry, Benjamin L.
7572 N. Cherryvale Apt. 102
Cherry Valley, IL 61016
pick-up/scraping
\$22.96

4

Mitroff Group Ltd.
2430 South Arlington Heights Rd.
Suite 103
Arlington Heights, IL 60005
No invoice provided

5

Polinder, Nick
ADDRESS UNKNOWN

pick-up/scraping
\$22.96

Potential 160 Rule Persons

Account Number:	20658	Audit Period:	January 1, 2006 - June 30, 2007
Employer:	First Carpenter Contractors, Inc.	Contact:	Gina Bye
Address:	677 Fieldcrest Rd. Belvidere, IL 61008	Title:	Office Manager
Phone:	815-332-5454		

347-62-6424
Cordray, David E.
10005 Spring Rd.
Garden Prairie, IL 61038
50% Owner, President, Carpenter
Works with tools

Months not at 160 hours:

March 2007 - no hours reported
April 2007 - no hours reported
May 2007 - no hours reported
June 2007 - no hours reported

08 CV 3439

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,	)	08 C 3439
v.)	
	)	Judge Zagel
FIRST CARPENTER CONTRACTORS, INC.,)	
et al.,	)	Magistrate Schenkier
)	
Defendant.)	

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 FIRST CARPENTER CONTRACTORS, INC. and DAVID CORDRAY (“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 \$1,716.40 in fees and expenses to compel Defendants to comply with its 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.

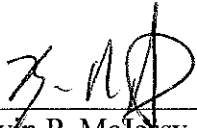
a) **Fees.** The Trust Funds have collectively incurred fees totaling \$1,216.00 for 7.6 hours of attorney services. The hourly rate for attorneys at MC&T for ERISA litigation for the Trust Funds is \$160 per hour. The Trust Funds have collectively incurred fees totaling \$78.00 for 1.3 hours of paralegal time. The hourly rate for paralegals at MC&T for ERISA litigation for the Trust Funds 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 \$422.40 in expenses for court costs, process servers, postage and photocopy 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 3439

EXHIBIT C-1

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity		
				Rcpt	Disbs			Acc	Rcpt	Disbs	Balance
	34181	Reviewed correspondence from B. Yackley re: audit report to be produced within the next few days.				16.00	2678			
Aug 20/2008	33682	Billing on Invoice 2611 FEES 130.00 DISBS 410.00			0.00		2611			
Aug 21/2008	33687	Lawyer: KM 0.10 Hrs X 160.00 Reviewed correspondence from B. Yackley re: audit report should be done this week.				16.00	2678			
Sep 3/2008	33929	Chicago Regional Council of Carpe PMT -	00596	540.00						
Sep 15/2008	34419	Billing on Invoice 2678 FEES 64.00			0.00		2678			
Oct 17/2008	35097	Billing on Invoice 2768			0.00		2768			
Oct 20/2008	35116	Chicago Regional Council of Carpe PMT -	00625	64.00						
Oct 23/2008	35739	Lawyer: KM 1.50 Hrs X 160.00 Reviewed audit report and referral file materials; telephone call with N. Lagalo re: [REDACTED]; prepared correspondence to B. Yackley re: seeking audit fees; reviewed correspondence from C. Kogut re: forwarding audit fees; prepared correspondence to D. Cordray re: forwarding audit report; telephone call to N. Lagalo re: [REDACTED]				240.00	2840			
Oct 24/2008	35287	Expense Recovery Postage Recovery	00137		1.51		2840			
Oct 24/2008	35740	Lawyer: KM 0.40 Hrs X 160.00 Reviewed correspondence from N. Lagalo re: [REDACTED] revised letter to First Carpentry to fill in missing information;				64.00	2840			
Oct 31/2008	35294	Expense Recovery Photocopy Recovery	00138		5.76		2840			
Nov 21/2008	36912	Billing on Invoice 2840 FEES 304.00 DISBS 7.27			0.00		2840			
Dec 22/2008	36920	Chicago Regional Council of Carpe PMT -	00652	311.27						
Jan 8/2009	37881	Lawyer: KM 0.10 Hrs X 160.00 Reviewed ECF court order of Judge Zagel re: set hearing date.				16.00	2952			
Feb 13/2009	38453	Lawyer: KM 0.20 Hrs X 160.00 Telephone call with N. Lagalo re: [REDACTED]				32.00				
Feb 17/2009	38155	Billing on Invoice 2952 FEES 16.00			0.00		2952			
Feb 27/2009	38346	Expense Recovery Photocopy Recovery	00146		1.92					
Mar 6/2009	38456	Lawyer: KM 2.10 Hrs X 160.00 Prepared affidavit of J. Libby; prepared affidavit of C. Toblesky; prepared affidavit of K. McJessy, reviewed file materials as necessary to prepare declarations; prepared motion for entry of judgment; prepared draft order entering judgment; prepared correspondence to N. Lagalo re: [REDACTED]; reviewed correspondence from N. Lagalo re: [REDACTED]; assembled exhibits for affidavits; telephone call to C. Toblesky re: request for documentation supporting audit fees.				336.00				

TOTALS	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00	1.92	368.00	369.92	420.48	926.00	0.00	1330.48	16.00	0.00
END DATE	0.00	1.92	368.00	369.92	420.48	926.00	0.00	1330.48	16.00	0.00

UNBILLED	BILLED	BALANCES
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Client Ledger

ALL DATES

Date	Received From/Paid To				Chq# Rec#	----- General -----		Fees	Bld ----- Trust Activity -----		Balance					
	Entry #	Explanation				Rcpts	Disbs		Inv#	Acc		Rcpts	Disbs			
FIRM TOTAL	CHE	+	RECOV	+	FEEES	= TOTAL	DISBS	+	FEEES	+	TAX	-	RECEIPTS	=	A/R	TRUST
PERIOD	0.00		1.92		368.00	369.92	420.48		926.00		0.00		1330.48		16.00	0.00
END DATE	0.00		1.92		368.00	369.92	420.48		926.00		0.00		1330.48		16.00	0.00

REPORT SELECTIONS - Client Ledger

Layout Template Default
 Advanced Search Filter None
 Requested by ADMIN
 Finished Friday, March 06, 2009 at 05:16:34 PM
 Ver 9.31a
 Matters 0109-FIRS
 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 Unbid 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 Mar 6/2009
 Show Invoices that Payments Were Applied to No

08 CV 3439

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, et al.,)	
)	
Plaintiffs,	)	Case No. 08 C 3439
v.	)	Judge Zagel
)	
FIRST CARPENTER CONTRACTORS, INC., et al.,	)	Magistrate Schenkier
)	
Defendants.)	

ORDER

On motion of the Chicago Regional Council of Carpenters Pension Fund *et al.* (“Trust Funds”) and pursuant to Federal Rules of Civil Procedure 54, 55 and 58, a judgment is hereby entered in favor of the Trust Funds and against defendants First Carpenter Contractors, Inc. and David Cordray (“Defendants”) in the amount of \$19,445.78 as follows:

- A. \$10,574.02 in unpaid contributions pursuant to the audit;
- B. \$3,333.25 for auditor’s fees incurred by the Trust Funds to complete the audit of Defendants’ books and records;
- C. \$1,707.31 in interest under ERISA on the amount that is due;
- D. \$2,114.80 in liquidated damages; and
- E. \$1,716.40 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).

Plaintiff Trust Funds are also awarded reasonable attorney’ fees and costs incurred by the Trust Funds in enforcing this order, and such other relief as this Court deems appropriate.

Date

Judge Zagel