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

| OF NORTHERN ILLINOIS PENSION FUND ) AND WELFARE FUNDS, ) Plaintiff, ) No. 08 C 4953 |       |
|---|-------|
| Plaintiff, )  |       |
| •   |       |
| •   |       |
| ) No. 08 C 4953   |       |
| ,   |       |
| v. )  |       |
| ) Judge Pallmeyer   |       |
| )   |       |
| MINER'S TRANSPORT, INC. ) Magistrate Judge  | 3rown |
| an Illinois corporation )   |       |
| )   |       |
| Defendant. )  |       |

## **AFFIDAVIT**

RICHARD SIEBERT, upon being first duly sworn deposes and states as follows:

- 1. Affiant is employed by the Suburban Teamsters Welfare and Pension Fund ("Funds") as an auditor, is familiar with the Miner's Transport, Inc., an Illinois corporation audit ("Employer"), having examined its books and records to determine what amounts if any were due and owing the Funds, and is also familiar with the parties' agreement concerning contributions, liquidated damages and interest owed.
- 2. That an audit of Employer's books and records was performed on May 2, 2008 covering the period December, 2006 through February, 2008 and found to be owing:

Pension \$2,482.23 Welfare \$4,232.80

- 3. That Employer was given a copy of the audit and given notice of findings on August 7, 2008 and has made no effort to pay or settle.
  - 4. That the audit including liquidated damages and interest totals \$6,715.03.
  - 5. That Affiant suffers from no disability and can so testify and affirm such facts.

## FURTHER AFFIANT SAYETH NOT.

RICHARD SIEBERT

SUBSCRIBED AND SWORN to before me this 25<sup>th</sup> day of

September, 2008.

OFFICIAL SEAL
CAROL COLLINS
Notary Public - State of Illinois
Commission Expires Jul 20, 2011