

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

LABORERS' PENSION FUND and
LABORERS' WELFARE FUND OF THE
HEALTH AND WELFARE DEPARTMENT
OF THE CONSTRUCTION AND GENERAL
LABORERS' DISTRICT COUNCIL OF
CHICAGO AND VICINITY, and JAMES S.
JORGENSEN, Administrator of the Funds,

Plaintiffs,

v.

MILLENNIUM CONCRETE
CONSTRUCTION LLC, EVANS
CONSTRUCTION/CONSULTING, LLC,
EVANS CONSTRUCTION SERVICES (1555
SOUTH WABASH PROJECT), LLC, EVANS
CONSTRUCTION SERVICES (10 EAST
DELAWARE PROJECT),LLC, et al.,

Defendants.

Case No. 08 C 6179

Judge Shadur

Magistrate Judge Mason

AFFIDAVIT OF JOSEPH GILLERAN

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Joseph Gilleran, first duly sworn on oath, deposes and states as follows:

- 1. I am a Field Representative employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Millennium Concrete Construction, LLC. This affidavit is submitted in support of the Laborers' Funds' motion for a prove up of damages.
2. Millennium Concrete Construction LLC, has been a signatory employer since April 16, 2007, as reflected by the Funds' records and as shown by the collective bargaining agreement

which is a true and correct copy of the agreement between the Company and the Construction and General Laborers' District Council of Chicago and Vicinity and its affiliated local ("Union"), on file with the Funds and attached to the Complaint as Exhibit A.

3. I am aware that the Company submitted its books and records to the Funds' designated auditors from the firm of Richard J. Wolf and Company, Inc., who prepared an audit report dated March 27, 2009, reflecting unpaid contributions owed for the period from October 1, 2007 through October 26, 2008. I reviewed the report which shows that principal contributions are owed to the Welfare, Pension, Training, CCA/IAF, LECET, LMCC Funds and for Union dues. A true and correct copy of the audit report is attached to this affidavit. The amount of contributions shown in the audit report is \$574,061.25, after applying amounts on hold, principal contributions due for this period are \$472,848.95.

4. The respective Agreements and Declarations of Trust of the Laborers Funds, to which Millennium Concrete Construction LLC is bound required payment of liquidated damages in the amount of 20 percent of the principal after June 1, 2007 for the Welfare, Pension and Training Funds and ten percent for the LMDC, ISPA, LECET and for Union dues. Amounts owed prior to June 1, 2007 were assessed at a 10% rate. Interest is owed at the rate of 12% on all delinquent amounts owed from the date of the delinquency forward. It is my responsibility to prepare the total amounts owed in damages and interest.

5. Liquidated damages are owed in the amount of \$73,891.01. Plus past due liquidated damages for contributions paid untimely are due in the amount of \$118,076.30. Interest has been determined for unpaid contributions in the amount of \$205,772.90, through July 20, 2011.

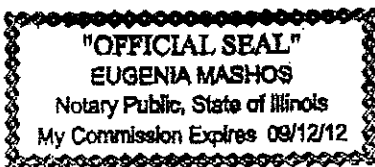
6. Audit fees paid by the Funds in connection with this matter were \$3,060.00.

FURTHER AFFIANT SAYETH NOT.

Joseph Gilleran
Joseph Gilleran

Subscribed and sworn to before me
this 20th day of July 2011.

Eugenia Mashos
NOTARY PUBLIC



RICHARD J. WOLF AND COMPANY, INC.

Post Office Box 591
Palos Park, Illinois 60464
(708) 923-0909
Fax (708) 923-0910

March 27, 2009



Board of Trustees of the Various
Fringe Benefit Funds of the
Laborers Pension & Welfare Funds

RE: Millennium Concrete Construction, LLC (34696)
c/o Evans Construction

We have performed a fringe benefit contribution compliance audit of Millennium Concrete Construction, LLC c/o Evans Construction, for the period from October 1, 2007 through October 26, 2008. The audit encompassed the comparison of individual earnings records to certain payroll tax and fund reports and a review of the general disbursement records.

The comparison and review indicate that the employer has not complied with its fringe benefit contribution requirements and owes the following amounts:

<u>FUND</u>	<u>AMOUNT</u>
WELFARE	\$303,610.74
PENSION	212,149.30
TRAINING	6,041.94
CCA/IAF	1,566.44
LECET	1,342.65
LMCC	2,685.30
DUES	<u>23,044.34</u>
Sub Total	\$550,440.71
Plus previous late charges assessed by Laborers' Pension & Welfare Funds	<u>\$118,076.30</u>
Sub Total	\$668,517.01
Plus previous penalties incurred to Laborers' District Council Funds	<u>\$ 4,579.38</u>
TOTAL	<u>\$673,096.39</u>

In addition, the employer could not provide proof of a current wage and fringe benefit bond.


RICHARD J. WOLF AND COMPANY, INC.

JUN 08 to MAY 09

LABORERS' DISTRICT COUNCIL OF CHICAGO - CCA ASSOCIATION
MILLENNIUM CONCRETE CONSTRUCTION, LLC c/o EVANS CONSTRUCTION #34696
ADDITIONAL WELFARE and PENSION HOURS 6/08 - 5/09

S. S. #	Flags #	Type	2008												Total		
			Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May			
TORRES, ENRIQUE C.		Hours		252.50													252.50
		Gross \$		-													-
VARGAS, VICTOR E.		Hours		214.50													214.50
		Gross \$		-													-
WEIS, MARIANNE		Hours		270.00													270.00
		Gross \$		-													-
WHITE, RENEE		Hours		215.00													215.00
		Gross \$		-													-
WILLIAMS, CHARLIE ROBERT		Hours		236.00													236.00
		Gross \$		-													-
TOTAL HOURS				12,006.50													12,006.50
TOTAL GROSS \$				\$ -													\$ -

Amount Due To Funds:
WELFARE
PENSION
TOTAL

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
WELFARE	\$ -	\$ 106,017.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 106,017.40
PENSION	\$ -	\$ 74,080.11	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 74,080.11
TOTAL	\$ -	\$ 180,097.51	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180,097.51

Rates:	6/1/08	to	5/31/09
WELFARE	8.83	LECET	
PENSION	6.17	LMCC	
TRAINING		DUES	
CCAWIAF			

JUN 08 to MAY 09

LABORERS' DISTRICT COUNCIL OF CHICAGO - CCA ASSOCIATION
MILLENNIUM CONCRETE CONSTRUCTION, LLC c/o EVANS CONSTRUCTION #34696

ADDITIONAL HOURS and/or WORK DUES 6/08 - 5/09

S. S. #	Flags	Type	2008					2009					Total			
			Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar		Apr	May	
TERRAZAS, SAUL	#	Hours	-	-	48.00	-	-	-	-	-	-	-	-	-	-	48.00
		Gross \$	-	-	1,668.00	-	-	-	-	-	-	-	-	-	-	1,668.00
TONER, BRIAN	#	Hours	-	-	166.50	203.00	-	131.50	-	-	-	-	-	-	-	501.00
		Gross \$	-	-	5,933.56	7,532.06	-	4,778.13	-	-	-	-	-	-	-	18,243.75
TORRES, CHRISTOBAL	#	Hours	-	-	162.50	169.00	-	40.00	-	-	-	-	-	-	-	371.50
		Gross \$	-	-	5,742.44	5,872.75	-	1,390.00	-	-	-	-	-	-	-	13,005.19
TORRES, ENRIQUE C.	#	Hours	-	-	166.00	203.00	-	124.00	-	-	-	-	-	-	-	493.00
		Gross \$	-	-	3,266.32	7,282.75	-	4,378.50	-	-	-	-	-	-	-	20,424.13
VARGAS, VICTOR E.	#	Hours	-	-	180.00	298.50	-	136.50	-	-	-	-	-	-	-	535.00
		Gross \$	-	-	6,457.44	9,495.44	-	5,125.63	-	-	-	-	-	-	-	21,058.51
WEIS, MARIANNE	#	Hours	-	-	176.50	212.00	-	135.00	-	-	-	-	-	-	-	523.50
		Gross \$	-	-	6,483.50	7,723.19	-	4,951.88	-	-	-	-	-	-	-	19,138.57
WILLIAMS, CHARLIE ROBERT	#	Hours	-	-	170.00	212.50	-	81.00	-	-	-	-	-	-	-	463.50
		Gross \$	-	-	6,133.38	8,079.38	-	3,031.94	-	-	-	-	-	-	-	17,244.70
TOTAL HOURS					8,274.50	9,857.50		3,936.50								22,088.50
TOTAL GROSS \$					\$ 3,535.37	\$ 307,393.12		\$ 372,979.16		\$ 143,243.64						\$ 827,151.29

Amount Due To Funds:
WELFARE
PENSION
TRAINING
CCAIAP
LECET
LMCC
DUES
TOTAL

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Total
WELFARE	-	-	73,063.84	87,041.73	34,759.30	-	-	-	-	-	-	-	194,864.87
PENSION	-	-	51,053.67	60,820.78	24,288.21	-	-	-	-	-	-	-	136,162.66
TRAINING	-	-	2,234.12	2,661.53	1,082.86	-	-	-	-	-	-	-	5,958.51
CCAIAP	-	-	579.22	690.03	275.56	-	-	-	-	-	-	-	1,544.81
LECET	-	-	496.47	591.45	236.19	-	-	-	-	-	-	-	1,324.11
LMCC	-	-	892.94	1,182.90	472.38	-	-	-	-	-	-	-	2,648.22
DUES	-	97.22	8,453.31	10,286.93	3,939.20	-	-	-	-	-	-	-	22,746.66
TOTAL		97.22	136,873.57	163,245.35	65,033.70								355,249.84

Rate:	6/1/08	to	5/31/09
WELFARE	8.83	LECET	0.06
PENSION	6.17	LMCC	0.12
TRAINING	0.27	DUES	2.75%
CCAIAP	0.07		

LABORERS' DISTRICT COUNCIL OF CHICAGO - CCA ASSOCIATION
MILLENNIUM CONCRETE CONSTRUCTION, LLC c/o EVANS CONSTRUCTION #34696

RICHARD J. WOLF AND COMPANY, INC.

SUMMARY REPORT TOTAL

	<u>ADDITIONAL</u>	<u>UNREPORTED</u>	<u>TOTAL</u>
WELFARE	\$ 300,882.27	\$ 2,728.47	\$ 303,610.74
PENSION	\$ 210,242.77	\$ 1,906.53	\$ 212,149.30
TRAINING	\$ 5,958.51	\$ 83.43	\$ 6,041.94
CCA/IAF	\$ 1,544.81	\$ 21.63	\$ 1,566.44
LECET	\$ 1,324.11	\$ 18.54	\$ 1,342.65
LMCC	\$ 2,648.22	\$ 37.08	\$ 2,685.30
DUES	\$ 22,746.66	\$ 297.68	\$ 23,044.34
TOTAL	\$ 545,347.35	\$ 5,093.36	\$ 550,440.71

LABORERS' DISTRICT COUNCIL OF CHICAGO - CCA ASSOCIATION
MILLENNIUM CONCRETE CONSTRUCTION, LLC c/o EVANS CONSTRUCTION #34696

RICHARD J. WOLF AND COMPANY, INC.

** GRAND TOTAL **

WELFARE	\$ 303,610.74
PENSION	\$ 212,149.30
TRAINING	\$ 6,041.94
CCA/IAF	\$ 1,566.44
LECET	\$ 1,342.65
LMCC	\$ 2,685.30
DUES	\$ 23,044.34
TOTAL	<u>\$ 550,440.71</u>