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

SECURITAS SECURITY SERVICES USA, INC., a	
Delaware corporation registered as a foreign	)
corporation in Illinois	)
	) 08-6755
Plaintiff,	)
	) Hon. Elaine Bucklo (District Court Judge)
	)
	) Hon. Mag. Judge Brown (Magistrate Judge)
	)
V.	)
404 Pagarana I ayangan Pagarana	)
401 PROPERTIES LIMITED PARTNERSHIP, an	)
Illinois corporation	)
Defendant.	)

## DECLARATION OF BARRY F. MAC ENTEE

I the undersigned, Barry F. Mac Entee, declare under penalty of perjury as follows:

- 1. I am an adult citizen of the United States and am competent to give this declaration. I have personal knowledge of the facts set forth herein. I am a partner at Hinshaw & Culbertson LLP.
- 2. A true and correct copy of the parties' settlement agreement is attached to Securitas USA's Motion as Exhibit 1. The agreement required 401 to pay Securitas \$76,784.48. The \$76,784.48 was to be paid over time, with an initial payment of \$6,896.08 to Securitas USA in January 2009 and nine additional payments of \$6,896.08 each due on the 20<sup>th</sup> day of each month. 401's final \$6,896.08 payment was due on October 20, 2009. 401 failed to timely make this payment. 401 promised to cure this default but has failed to do so. On December 2, 2009, 401 issued a check to Securitas USA. That check was returned for insufficient funds. Since then, 401's counsel has repeatedly acknowledged that 401 is in default and that the default has not been timely cured.
- 3. As of January 12, 2010, the date this motion was filed, 401 remains in default and the time for 401 to cure that default has expired.
- 4. Pursuant to paragraph 8 of the settlement agreement, 401 agrees and authorizes Securitas USA to confess judgment against 401 and in favor of Securitas USA for \$76,784.48, less any payments made by 401, plus Securitas USA's reasonable attorney fees and costs in collecting the amounts due it under the settlement agreement.

5. Through the filing of this motion, Securitas USA has incurred \$1,000 in attorney fees in attempting to collect the amounts due it under the settlement agreement. Those fees include: (1) drafting this motion; (2) telephone and email communications with Securitas USA; (3) telephone, email and letter communications with 401's counsel, Elizabeth Sharpe; (4) reviewing the parties' settlement agreement and written communications re: same. The \$1,000 in attorney fees is based on an hourly rate of \$200 per hour, an hourly rate that is reasonable and appropriate.

Declared under penalty of perjury under the laws of the United States on this 12<sup>th</sup> day of January 2010.