

**IN THE UNITED STATES DISTRICT COURT  
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. )  
)  
BLACKSHEEP CUSTOM CONCRETE and )  
ROBERT MAUCH, )  
)  
Defendants. )**

**Case No. 08 C 7135  
Judge Andersen**

**AFFIDAVIT OF JOSEPH GILLERAN**

STATE OF ILLINOIS )  
)  
COUNTY OF COOK )

Joseph Gilleran, being 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 Blacksheep Custom Concrete and Robert Mauch.
2. Blacksheep Custom Concrete has been a signatory employer since August 6, 2008, as reflected by the collective bargaining agreement, 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 is attached to the Complaint as Exhibit A.

3. 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 reflecting unpaid contributions owed for the period from August 6, 2008 through December 31, 2008. The report shows that principal contributions are owed to the Welfare, Pension, Training, LECET, LDCLMCC, and for Union dues in the amount of \$69,317.08. A copy of the audit report is attached hereto as Exhibit A.

4. The respective Agreements and Declarations of Trust of the Laborers Funds, to which Blacksheep Custom Concrete is bound require payment of liquidated damages in the amount of 10 percent of the principal amount of delinquent contributions for the period prior to June 1, 2007 and 20 percent of the principal for the period after June 1, 2007. In addition, interest is owed at the rate of prime plus two percent as charged by Chase Bank on all delinquent amounts owed from the date of the delinquency forward. With respect to the audit covering the period before June 1, 2007, liquidated damages are owed in the amount of \$507.24 for the period after June 1, liquidated damages are owed in the amount of \$12,848.94. A total of liquidated damages owed is \$13,356.18.

5. The Company also owes interest which as been determined for unpaid Funds' contributions in the amount \$ 3,163.74, through November 3, 2009.

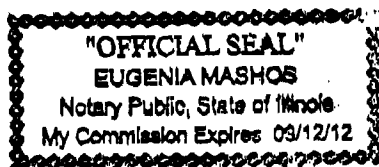
6. Audit fees billed to the Funds and paid in connection with the time expended by the Funds' designated auditors are \$1,190.00.

FURTHER AFFIANT SAYETH NOT.

Joseph Gilleran  
Joseph Gilleran

Subscribed and sworn to before me  
this 12<sup>th</sup> day of November 2009.

Eugenia Mashos  
NOTARY PUBLIC



**LABORERS' PENSION & WELFARE FUNDS**

9/15/2009

AUDIT

EMPLOYER BLACK SHEEP CUSTOM CONCRETE

CODE 34890

FOLLOWING ARE THE FIGURES OWED BY THE ABOVE MENTIONED CONTRACTOR AS A RESULT OF THE AUDIT.

	HOURS	WELFARE	RATE	PENSION	RATE	TRAINING		DUES	LDCLMCC	RATE	CCA	RATE	CAICA	RATE	LECET	RATE	CISCO	RATE	TOTAL	
						FUND	RATE													
8-6-08-12-31-08 ADDITIONAL HOURS	4,207.25	37,150.02	8.83	25,958.73	6.17	1,135.96	0.27	4,020.55	504.87	0.12	294.51	0.07	-	-	252.44	0.06	-	-	69,317.08	
8-6-08-12-31-08																				
MEN NOT REPORTED																				
SUBTOTAL	4,207.25	37,150.02		25,958.73		1,135.96		4,020.55	504.87		294.51		-	-	252.44		-	-	69,317.08	
10% PENALTIES		-		-		-		402.06	50.49		29.45		-	-	25.24		-	-	507.24	
20% PENALTIES		7,430.00		5,191.75		227.19													12,848.94	
AUDIT COSTS		595.00		595.00															1,190.00	
ATTORNEY FEES		-		-															-	
ACCUM. PENALTIES		-		-															-	
ACCUM. INTEREST		-		-															-	
TOTAL DUE		45,175.02		31,745.48		1,363.15		4,422.61	555.36		323.96		-	-	277.68		-	-	83,863.26	

# RICHARD J. WOLF AND COMPANY, INC.

September 15, 2009

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



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

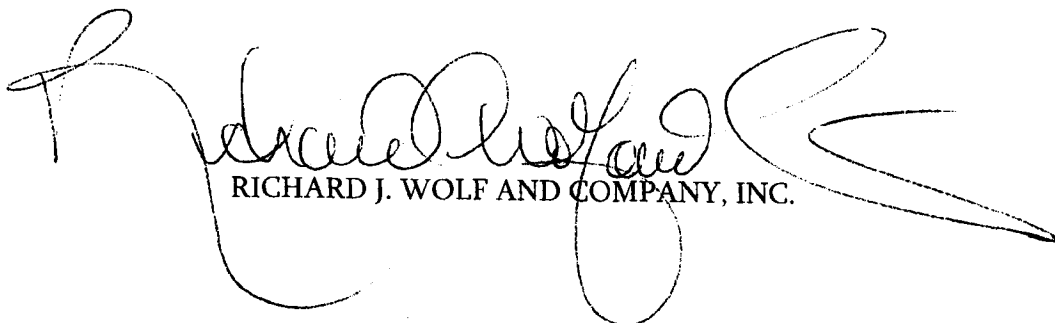
RE: Jennifer L. Mauch d/b/a Black Sheep Custom Concrete (34890)

We have performed a fringe benefit contribution compliance audit of Jennifer L. Mauch d/b/a Black Sheep Custom Concrete, for the period from August 6, 2008 through December 31, 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	\$37,150.02
PENSION	25,958.73
TRAINING	1,135.96
CCA/IAF	294.51
LECET	252.44
LMCC	504.87
DUES	<u>4,020.55</u>
TOTAL	<u>\$69,317.08</u>

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



RICHARD J. WOLF AND COMPANY, INC.

LABORERS' DISTRICT COUNCIL OF CHICAGO - CCA ASSOCIATION  
 BLACK SHEEP CONCRETE #34890

JUN 08 to MAY 09

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

S. S. #	Flags	Type	2008												Total		
			Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May			
DAHOJOS, JOSH	CH10 10.00	Hours	-	-	80.00	-	-	-	-	-	-	-	-	-	-	-	80.00
		Gross \$	-	-	2,780.00	-	-	-	-	-	-	-	-	-	-	-	2,780.00
GARIBAY, ELIO	CH10 10.00	Hours	-	-	-	-	-	-	-	40.00	-	-	-	-	-	-	40.00
		Gross \$	-	-	-	-	-	-	-	1,390.00	-	-	-	-	-	-	1,390.00
MARTINEZ, GEORGE	SCCH10 10.00	Hours	-	-	15.00	90.50	669.50	23,285.13	-	1,400.00	-	-	-	-	-	-	2,175.00
		Gross \$	-	-	521.25	3,144.88	23,285.13	48,850.00	-	4,850.00	-	-	-	-	-	-	75,581.26
MAUGH, DAVID	34.75	Hours	-	-	20.00	24.00	-	-	-	16.00	-	-	-	-	-	-	60.00
		Gross \$	-	-	695.00	834.00	-	-	-	556.00	-	-	-	-	-	-	2,085.00
MAUGH, ROBERT JR.	34.75	Hours	-	-	20.00	24.00	-	-	-	16.00	-	-	-	-	-	-	60.00
		Gross \$	-	-	695.00	834.00	-	-	-	556.00	-	-	-	-	-	-	2,085.00
PENDER, DENNIS	CH10 10.00	Hours	-	-	-	26.00	-	-	-	-	-	-	-	-	-	-	26.00
		Gross \$	-	-	-	903.50	-	-	-	-	-	-	-	-	-	-	903.50
ROSAS, DAVE	SCCH10 10.00	Hours	-	-	235.00	922.50	516.50	-	-	-	-	-	-	-	-	-	1,674.00
		Gross \$	-	-	8,166.25	32,056.88	17,948.38	-	-	-	-	-	-	-	-	-	58,171.51
SERRANO, RICARDO	CH10 10.00	Hours	-	-	-	-	-	-	-	50.00	-	-	-	-	-	-	50.00
		Gross \$	-	-	-	-	-	-	-	1,737.50	-	-	-	-	-	-	1,737.50
SKLAR, KEVIN	CH10 10.00	Hours	-	-	-	-	-	-	-	42.25	-	-	-	-	-	-	42.25
		Gross \$	-	-	-	-	-	-	-	1,468.19	-	-	-	-	-	-	1,468.19
<b>TOTAL HOURS</b>					370.00	1,087.00	1,186.00	1,564.25									4,207.25
<b>TOTAL GROSS \$</b>					\$ 12,857.50	\$ 37,773.26	\$ 41,213.51	\$ 54,357.89									\$ 146,201.96

Amount Due To Funds:	2008												Total				
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May					
WELFARE	\$ -	\$ -	\$ 3,267.10	\$ 9,598.21	\$ 10,472.38	\$ 13,812.33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 37,150.02
PENSION	\$ -	\$ -	\$ 2,282.90	\$ 6,706.79	\$ 7,317.62	\$ 9,651.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,958.73
TRAINING	\$ -	\$ -	\$ 99.90	\$ 293.49	\$ 320.22	\$ 422.35	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,135.96
CCALIAF	\$ -	\$ -	\$ 25.90	\$ 76.09	\$ 83.02	\$ 109.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 294.51
LECET	\$ -	\$ -	\$ 22.20	\$ 65.22	\$ 71.16	\$ 93.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 252.44
LMCC	\$ -	\$ -	\$ 44.40	\$ 130.44	\$ 142.32	\$ 187.71	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 504.87
DUES	\$ -	\$ -	\$ 353.58	\$ 1,038.76	\$ 1,133.37	\$ 1,494.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,020.55
<b>TOTAL</b>	\$ -	\$ -	\$ 6,095.98	\$ 17,909.00	\$ 19,540.09	\$ 25,772.01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 69,317.08

Rates	8/1/08	to	5/31/09
WELFARE	8.83	LECET	0.06
PENSION	6.17	LMCC	0.12
TRAINING	0.27	DUES	2.75%
CCALIAF	0.07		

LABORERS' DISTRICT COUNCIL OF CHICAGO - \*CCA ASSOCIATION  
 BLACK SHEEP CONCRETE #34890

RICHARD J. WOLF AND COMPANY, INC.

SUMMARY REPORT TOTAL

	<u>ADDITIONAL</u>	<u>UNREPORTED</u>	<u>TOTAL</u>
WELFARE	\$ -	\$ 37,150.02	\$ 37,150.02
PENSION	\$ -	\$ 25,958.73	\$ 25,958.73
TRAINING	\$ -	\$ 1,135.96	\$ 1,135.96
CCA/IAF	\$ -	\$ 294.51	\$ 294.51
LECET	\$ -	\$ 252.44	\$ 252.44
LMCC	\$ -	\$ 504.87	\$ 504.87
DUES	\$ -	\$ 4,020.55	\$ 4,020.55
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ 69,317.08</b>	<b>\$ 69,317.08</b>

LABORERS' DISTRICT COUNCIL OF CHICAGO - \*CCA ASSOCIATION

BLACK SHEEP CONCRETE #34890

RICHARD J. WOLF AND COMPANY, INC.

**\*\* GRAND TOTAL \*\***

WELFARE	\$	37,150.02
PENSION	\$	25,958.73
TRAINING	\$	1,135.96
CC/IAF	\$	294.51
LECET	\$	252.44
LMCC	\$	504.87
DUES	\$	<u>4,020.55</u>
TOTAL	\$	<u><u>69,317.08</u></u>

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LABORERS' DISTRICT COUNCIL OF )  
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**v. )**

**BLACKSHEEP CUSTOM CONCRETE, and )  
ROBERT MAUCH, )**

**Defendants. )**

**Case No. 08 C 7135**

**Judge Andersen**

**ORDER**

This cause coming before the Court on the plaintiffs' Motion for damages due notice having been given to the defendants Blacksheep Custom Concrete and Robert Mauch;

**IT IS HEREBY ORDERED:**

1. Judgment is entered in an amount certain against Blacksheet Custom Concrete and Robert Mauch in a total amount of \$ 94,408.50, which consists of the following:

Principal contributions and Union dues as shown by an audit report for the period from August 6, 2008 through December 31, 2008 .....	\$69,317.08
Liquidated damages .....	\$13,356.18
Interest for the unpaid principal .....	\$ 3,163.74
Audit fees (both reports) .....	\$1,190.00
Attorneys' fees .....	\$6,192.50
Costs .....	\$ 1,189.00



2. This Court orders Blacksheep Custom Concrete, as long as they operating business in construction to obtain and maintain a surety bond in the amount required by the Union to guarantee the payment of wages, pension and welfare contributions as required by Article IX of the collective bargaining agreement. It is further ordered that within 60 days of the date of this judgment order, defendants **shall** provide written proof that it has obtained such a surety bond to plaintiffs' counsel, Karen I. Engelhardt, Esq., Allison, Slutsky & Kennedy, P.C. , 230 W. Monroe Street, Suite 2600, Chicago, IL 60606.

3. Defendants are ordered to report hours of covered employees on a monthly basis and to pay current contributions as they become due on the 10<sup>th</sup> day of each month.

**ENTERED**

\_\_\_\_\_  
U.S. DISTRICT COURT

**DATE** \_\_\_\_\_