

# EXHIBIT C

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

TRUSTEES of the CHICAGO REGIONAL	)	
COUNCIL OF CARPENTERS PENSION FUND,	)	
CHICAGO REGIONAL COUNCIL OF	)	
CARPENTERS WELFARE FUND, and CHICAGO	)	CASE NO. 08CV6265
REGIONAL COUNCIL OF CARPENTERS	)	
APPRENTICE & TRAINEE PROGRAM FUND,	)	
	)	JUDGE KENDALL
Plaintiffs,	)	
vs.	)	
	)	
EXEL INTERIOR CONSTRUCTION, INC.,	)	
	)	
Defendant.	)	

**SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746**

Amy Elizabeth Paluch Epton, declares as follows:

1. I am an associate of the law firm of Whitfield, McGann & Ketterman and am licensed to practice law in the State of Illinois and in the U.S. Dist. Court for Northern District of Illinois, Eastern Division.
2. I have personal knowledge of the facts stated herein and if called to testify in this matter, I can competently testify to such facts from my own such knowledge.
3. I have been a licensed attorney for 6 years and have over 5 years of experience representing trustees of employee benefit plans, including the prosecution of Federal Court litigation to collect delinquent employer contributions.
4. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of attorneys' fees and costs incurred if the Trust Funds utilize legal counsel to collect unpaid ERISA contributions.
5. My firm has over 33.25 hours in connection with this case at the rate of \$185.00. The total attorney fees billings is \$6,073.75.
6. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$55.00. The audit fees total \$4,468.90. These costs total \$4,873.90.
7. I certify that the attached detailed attorney fees and costs totaling \$10,947.65 were necessary and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date:

---

AMY ELIZABETH PALUCH EPTON  
Attorney for Plaintiffs

Selection Criteria

Slip.Date           Earliest - 8/10/2009  
Slip.Classification   Open  
Case (hand select)   Include: CTF-A./N7868/23855/50918

Rate Info - identifies rate source and level

Slip ID		ATTORNEY	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Case	Est. Time	Bill Status	
Description		Reference	Variance		
369674	TIME	AEPE	1.00	185.00	185.00
12/17/2008		Billable	0.00	T@7	
Billed	G:75069   1/5/2009	CTF-A./N7868/23855/50	0.00		
Initial file review. Opened the case.			0.00		
369695	TIME	AEPE	1.00	185.00	185.00
12/18/2008		Billable	0.00	T@7	
Billed	G:75069   1/5/2009	CTF-A./N7868/23855/50	0.00		
Researched registered agent, officers, related companies, UCC filings, and other pending lawsuits and judgments against the company.			0.00		
369696	TIME	CPW	1.00	130.00	130.00
12/18/2008		Lexis	0.00	A@1	
Billed	G:75069   1/5/2009	CTF-A./N7868/23855/50	0.00		
Computer Research Fees/CD ROM Researched registered agent, officers, related companies, UCC filings, and other pending lawsuits and judgments against the company.			0.00		
369709	TIME	AEPE	2.00	185.00	370.00
12/18/2008		Billable	0.00	T@7	
Billed	G:75069   1/5/2009	CTF-A./N7868/23855/50	0.00		
Drafted a Complaint for Audit Discrepancies.			0.00		
369816	TIME	AEPE	0.50	185.00	92.50
12/23/2008		Billable	0.00	T@7	
Billed	G:75069   1/5/2009	CTF-A./N7868/23855/50	0.00		
Prepared Federal Summons; Prepared civil cover sheet and appearance. Arranged for filing.			0.00		
370219	EXP	CPW	1	<del>350.00</del>	350.00
12/23/2008		\$DC			
Billed	G:75069   1/5/2009	CTF-A./N7868/23855/50			
FILING FEE					
370280	TIME	AEPE	1.00	185.00	185.00
1/7/2009		Billable	0.00	T@7	
Billed	G:75281   2/2/2009	CTF-A./N7868/23855/50	0.00		

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
		0.00		
Prepare correspondence to legal process server Scott Forrest Stern & Associates, Inc. regarding service of the summons and complaint on the defendant; prepare correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds regarding the filling of the complaint; enclose copy of the summons and complaint; docket follow-up dates for service.				
370454	TIME	AEPE	185.00	92.50
1/12/2009		Billable	T@7	
Billed	G:75281 2/2/2009	CTF-A./N7868/23855/50		
Review Scott Forrest Legal process server Scott Forrest Stern & Associates, Inc. & Associates, Inc.'s report on service of the Summons and Complaint; review process server remarks regarding details of service of process, review affidavit of service for legality, memo to clerk regarding filing of affidavit in Federal court, docket follow up dates for Answer due date.				
371787	TIME	AEPE	185.00	64.75
2/5/2009		Billable	T@7	
Billed	G:75526 3/2/2009	CTF-A./N7868/23855/50		
Telephone call from Audit Coordinator Nathaniel Lagalo, discussing the facsimile sent by the company, and its significance. Reviewed the document.				
372497	TIME	AEPE	185.00	46.25
2/18/2009		Billable	T@7	
Billed	G:75526 3/2/2009	CTF-A./N7868/23855/50		
Telephone call from a representative of the company, asking about the status, as they assert the Ready Mix amount of the audit was signatory to the bricklayers.				
372516	TIME	AEPE	185.00	185.00
2/19/2009		Billable	T@7	
Billed	G:75526 3/2/2009	CTF-A./N7868/23855/50		
Telephone call to Audit Coordinator Nathaniel Legalo, to discuss what evidence we need. Telephone call to Bricklayers Local 1, to find out if the subcontractor is signatory. Discussion with Selena of Local 1 as to whether they will provide us with written evidence. Local 1 phone number is (773) 650-1894. Telephone call to Audit Coordinator Nathaniel Legalo, to discuss				

Slip ID		ATTORNEY	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Case	Est. Time	Bill Status	
Description		Reference	Variance		
					whether to drop that subcontractor from the audit, and how much would still be owed. Drafted an email to John Libby, recommending that we drop the subcontractor.
372545	TIME	AEPE	1.50	185.00	277.50
2/20/2009		Billable	0.00	T@7	
Billed	G:75526	3/2/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
			0.00		Reviewed an email from Audit Coordinator Nathaniel Legalo, confirming that John Libby agrees to remove Dry-Mex from the audit. Reviewed the damage calculations attached. Telephone call to the company contact, Asela Sanchez, to inform her of this. Drafted a demand letter to the company, based on the new demands. Emailed the letter to her. Reviewed an email letter from her, asking to compromise because of economic necessity.
372642	TIME	AEPE	1.00	185.00	185.00
2/23/2009		Billable	0.00	T@7	
Billed	G:75526	3/2/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
			0.00		Telephone call to Audit Coordinator Nathaniel Legalo, to find out if the lien placed against the company, pursuant to the owner's letter. Drafted a letter to John Libby, explaining the situation and asking about compromise.
372816	TIME	AEPE	0.50	185.00	92.50
2/25/2009		Billable	0.00	T@7	
Billed	G:75526	3/2/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
			0.00		Reviewed an email from Audit Coordinator Nathaniel Legalo, requesting the amount of attorneys' fees for compromise purposes. Calculated fees and sent them to Coordinator Lagalo. Sent a response to the email requesting compromise to the company representative.
372859	TIME	AEPE	0.50	185.00	92.50
2/26/2009		Billable	0.00	T@7	
Billed	G:75526	3/2/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
			0.00		Telephone call from Audit Coordinator Nathaniel Legalo, to discuss settlement issues. Drafted an email to the company representative to discuss same.
372973	TIME	AEPE	0.10	185.00	18.50
2/27/2009		Billable	0.00	T@7	
Billed	G:75526	3/2/2009	0.00		
		CTF-A./N7868/23855/50	0.00		



Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
374889	TIME	AEPE	185.00	92.50
3/31/2009	Billable	0.50	T@7	
Billed	G:75773 4/1/2009	0.00		
CTF-A./N7868/23855/50		0.00		
Telephone call to Audit Coordinator Nathaniel Lagalo, to get the recent contribution history. Discussion of the demand with Attorney Daniel P. McNally. Telephone call to the company owner, left a detailed message to call back.		0.00		
375172	TIME	AEPE	185.00	92.50
4/3/2009	Billable	0.50	T@7	
Billed	G:76043 5/1/2009	0.00		
CTF-A./N7868/23855/50		0.00		
Reviewed an email from Audit Coordinator Nathaniel Lagalo, with the break down of the audit fees. Responded. Reviewed the break down. Telephone call to the defendant, presented the demand. Drafted an email to John Libby, Audit & Collection Supervisor, telling him that the defendant is requesting a meeting.		0.00		
375388	TIME	AEPE	185.00	46.25
4/8/2009	Billable	0.25	T@7	
Billed	G:76043 5/1/2009	0.00		
CTF-A./N7868/23855/50		0.00		
Reviewed an email from John Libby, Audit & Collection Supervisor, asking the owner to call to make an appointment. Telephone call to the owner to convey this.		0.00		
375756	TIME	AEPE	185.00	18.50
4/16/2009	Billable	0.10	T@7	
Billed	G:76043 5/1/2009	0.00		
CTF-A./N7868/23855/50		0.00		
Telephone call from Audit Coordinator Nathaniel Lagalo, informing me that the meeting with the defendant was cancelled, and discussing whether I should be present at the next scheduled meeting.		0.00		
376064	TIME	TJK	225.00	22.50
4/20/2009	Billable	0.10	T@7	
Billed	G:76043 5/1/2009	0.00		
CTF-A./N7868/23855/50		0.00		
Prepare monthly status and attorney fee report for Audit and Collections Supervisor John Libby.		0.00		
376265	TIME	AEPE	185.00	185.00
4/22/2009	Billable	1.00	T@7	
Billed	G:76043 5/1/2009	0.00		
CTF-A./N7868/23855/50		0.00		
Reviewed the Trust Funds settlement agreement. Responded by email. Telephone call from John Libby, Audit & Collection		0.00		



Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
			Supervisor, to explain some of the terms of the settlement. Began drafting the settlement agreement.				
376331	TIME			AEPE	1.00	185.00	185.00
	4/23/2009			Billable	0.00	T@7	
	Billed	G:76043	5/1/2009	CTF-A./N7868/23855/50	0.00		
			Continued drafting the settlement agreement.		0.00		
376667	TIME			AEPE	1.25	185.00	231.25
	4/28/2009			Billable	0.00	T@7	
	Billed	G:76043	5/1/2009	CTF-A./N7868/23855/50	0.00		
			Made revisions to the settlement agreement. Sent it via email with an explanation.		0.00		
376698	TIME			AEPE	0.75	185.00	138.75
	4/29/2009			Billable	0.00	T@7	
	Billed	G:76043	5/1/2009	CTF-A./N7868/23855/50	0.00		
			Email exchanges with John Libby, Audit & Collection Supervisor and telephone call to Audit Coordinator Nathaniel Lagalo, to coordinate the settlement agreement signing. Drafted a letter to the Defendant to accompany the settlement agreement.		0.00		
376906	TIME			AEPE	1.00	185.00	185.00
	5/1/2009			Billable	0.00	T@7	
	Billed	G:76324	6/1/2009	CTF-A./N7868/23855/50	0.00		
			Completed Trust Fund close out form.		0.00		
376920	TIME			AEPE	0.35	185.00	64.75
	5/1/2009			Billable	0.00	T@7	
	Billed	G:76324	6/1/2009	CTF-A./N7868/23855/50	0.00		
			Email exchange with Audit Coordinator Nathaniel Lagalo, to get a signed copy of the agreement. Arranged for mailing and diaried for return receipt.		0.00		
377072	TIME			AEPE	0.10	185.00	18.50
	5/4/2009			Billable	0.00	T@7	
	Billed	G:76324	6/1/2009	CTF-A./N7868/23855/50	0.00		
			Telephone call from John Libby, Audit & Collection Supervisor, to ensure that the settlement agreement was sent to defendant for signature.		0.00		
377669	TIME			DPM	0.20	195.00	39.00
	5/7/2009			Billable	0.00	T@7	
	Billed	G:76324	6/1/2009	CTF-A./N7868/23855/50	0.00		
			Review the prior attorney fees and status of the last quarterly litigation status report; review attorney fees through 04/30/09 review		0.00		

Slip ID		ATTORNEY	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Case	Est. Time	Bill Status	
Description		Reference	Variance		
<p>case for current status; calculate amounts collected, total and since the last quarter; update the report for the May 2009 quarterly trustees' meeting: Excel Interior Construction, Inc. - 23885 / 50918.</p>					
378124	TIME	AEPE	1.00	185.00	185.00
5/21/2009		Billable	0.00	T@7	
Billed	G:76324	6/1/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
<p>Reviewed an email from John Libby, Audit &amp; Collection Supervisor, asking about signature on the settlement agreement. Telephone call from Audit Coordinator Nathaniel Lagalo, relating to same. Drafted an email response. Telephone call to the company, left a detailed message to call back relating to same. Return call from the company, saying they had mailed the agreement. Sent an email to Supervisor Libby, informing him of same. Reviewed the signed agreement when it arrived. Sent an email to Supervisor Libby, informing him of this.</p>					
378206	TIME	AEPE	3.00	185.00	555.00
5/22/2009		Billable	0.00	T@7	
Billed	G:76324	6/1/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
<p>Drafted a proposed order of dismissal and a motion requesting the order. Drafted notice of motion and arranged for filing.</p>					
378217	TIME	AEPE	0.50	185.00	92.50
5/22/2009		Billable	0.00	T@7	
Billed	G:76324	6/1/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
<p>Drafted a letter to John Libby, Audit &amp; Collection Supervisor to accompany the settlement agreement, describing the disposition of the case.</p>					
378285	TIME	TJK	0.10	225.00	22.50
5/26/2009		Billable	0.00	T@7	
Billed	G:76324	6/1/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
<p>Prepare monthly status and attorney fee report for Audit and Collections Supervisor John Libby.</p>					
378725	TIME	AEPE	0.25	185.00	46.25
5/26/2009		Billable	0.00	T@7	
Billed	G:76324	6/1/2009	0.00		
		CTF-A./N7868/23855/50	0.00		
<p>Telephone call from the company owner, who was alarmed by notice of the hearing for dismissal. Explained.</p>					

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
378727	AEPE	0.25	185.00	46.25
5/29/2009	Billable	0.00	T@7	
Billed	G:76324 6/1/2009 CTF-A./N7868/23855/50	0.00		
Reviewed docket: Plaintiffs' motion for order of dismissal is granted. ENTER ORDER OF DISMISSAL: It is hereby ordered that this case is dismissed without prejudice with leave to reinstate on or before April 15, 2010. In the event a motion to reinstate is not filed on or before April 15, 2010, the case shall be deemed dismissed with prejudice without further order of Court. Each party shall bear its own attorney's fees and costs. Civil case terminated.				
Downloaded documents, struck hearing dates from the calendar.				
378728	AEPE	0.50	185.00	92.50
5/29/2009	Billable	0.00	T@7	
Billed	G:76324 6/1/2009 CTF-A./N7868/23855/50	0.00		
Drafted a letter to the Defendant, explaining what the Order of Dismissal means.				
381425	AEPE	0.50	185.00	92.50
7/9/2009	Billable	0.00	T@7	
Billed	G:76909 8/3/2009 CTF-A./N7868/23855/50	0.00		
Reviewed an email and a voicemail from Audit Coordinator Nathaniel Lagalo, saying that the company has not paid. Diaried to check for response. Responded.				
381613	AEPE	0.50	185.00	92.50
7/14/2009	Billable	0.00	T@7	
Billed	G:76909 8/3/2009 CTF-A./N7868/23855/50	0.00		
Reviewed an email from the owner, saying that she will not be able to make the payments. Reviewed Audit Coordinator Nathaniel Lagalo's earlier voicemail on the subject. Forwarded the email message to John Libby, Audit & Collection Supervisor and Coordinator Lagalo. Discussion of same with Coordinator Lagalo - I am to file for default. Diaried to file.				
383096	AEPE	2.00	185.00	370.00
8/5/2009	Billable	0.00	T@7	
WIP	CTF-A./N7868/23855/50	0.00		
Drafted a Motion to Reinstate and for Default. Drafted notice of motion and notice of filing, arranged for filing.				

8/10/2009  
10:33 AM

WHITFIELD, McGANN & KETTERMAN  
Slip Listing

Slip ID Dates and Time Posting Status Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
Grand Total	Billable Unbillable Total	33.35 0.00 33.35		6478.75 0.00 6478.75

- 350.00 FF  
- 55.00 process  
=  
\$ 6073.75