

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, et al.,	)	
	)	
Plaintiffs,	)	Case No. 09 CV 3083
v.	)	Judge Coar
	)	
E. SHY ENTERPRISES, INC., et al.,	)	
	)	
Defendants.	)	

**MOTION FOR ENTRY OF JUDGMENT**

Plaintiffs, the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, ET AL. (collectively “Trust Funds”), by their attorney Kevin P. McJessey, hereby move this Court pursuant to Federal Rules of Civil Procedure 54 to enter a judgment against E. SHY ENTERPRISES, INC., an Illinois corporation (“Defendant”). In support of their motion, Plaintiffs state as follows:

1. The Trust Funds filed a complaint against Defendant under ERISA for collection of unpaid contributions, interest and liquidated damages, for attorneys’ fees and auditors’ fees pursuant to ERISA, the collective bargaining agreements and the trust agreements.

2. The amount owed by Defendant based on the audit is \$9,575.15 which includes \$4,801.50 in unpaid contributions, \$543.13 in interest, \$960.30 in liquidated damages, \$1,460.60 in auditors’ fees, and \$1,809.62 in attorneys fees as follows:

- A. \$4,801.50 in unpaid contributions pursuant to the audit; *see* Decl. of J. Libby, ¶6, Exhibit A; Decl. of J. Egan, ¶3, Exhibit B;
- B. \$1,460.60 for auditor’s fees incurred by the Trust Funds to complete the audit of Defendants’ books and records; *see* Decl. of J. Libby, ¶8, Exhibit A; Decl. of J. Egan, ¶2, Exhibit B;

- C. \$543.13 in interest under ERISA on the amount that is due; *see* 29 U.S.C. § 1132(g)(2)(B); 29 U.S.C. § 1132(g)(2)(C); Decl. of J. Libby, ¶7, Exhibit A; Decl. of J. Egan, ¶3, Exhibit B;
  - D. \$960.30 in liquidated damages; *see* Decl. of J. Libby, ¶7, Exhibit A; and
  - E. \$1,809.62 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D); *see* McJessey Decl., ¶4, Exhibit C).
4. A proposed draft order is attached as Exhibit D.

WHEREFORE, Plaintiffs the Chicago Regional Council of Carpenters' Fund et al.

hereby move this Court to enter judgment in their favor and against Defendant E. SHY

ENTERPRISES, INC. in the amount of \$9,575.15 as follows:

- A. \$4,801.50 in unpaid contributions pursuant to the audit;
- B. \$1,460.60 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$543.13 in interest under ERISA on the amount that is due;
- D. \$960.30 in liquidated damages;
- E. \$1,809.62 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D);
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order; and
- G. such other relief as this Court deems appropriate.

CHICAGO REGIONAL COUNCIL OF CARPENTERS  
PENSION FUND et al.

By: s/ Kevin P. McJessey  
One of their attorneys

Kevin P. McJessey  
MCJESSEY, CHING & THOMPSON, LLC  
3759 North Ravenswood, Suite 231  
Chicago, Illinois 60613  
(773) 880-1260  
(773) 880-1265 (facsimile)  
mcjessy@MCandT.com

**CERTIFICATE OF SERVICE**

I, Kevin P. McJessy, an attorney, certify that I caused the foregoing **Motion for Entry of Judgment** to be served upon

Evan L. Shy, President  
E. Shy Enterprises, Inc. d/b/a Success  
Ventures  
512 N. McClurg Ct., Ste. 4101  
Chicago, IL 60611

via U.S. First Class Mail, postage prepaid, deposited in the United States Mail Depository at 3759 N. Ravenswood, Chicago, Illinois on this 23 day of July 2009.

s/ Kevin P. McJessy  
Kevin P. McJessy

**09 CV 3083**

**EXHIBIT A**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF	)	
CARPENTERS PENSION FUND, et al.,	)	
	)	Case No. 09 CV 3083
Plaintiffs,	)	
v.	)	Judge Coar
	)	
E. SHY ENTERPRISES, INC., et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF JOHN LIBBY**

I, John Libby, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

1. I am the Supervisor, Audits & Collections for the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively “the Trust Funds”).

2. As part of my duties, I am responsible for supervising and enforcing contributions for medical, pension and other benefits due from numerous employers pursuant to a collective bargaining agreements between the employers and the Chicago and Northeast Illinois Regional Council of Carpenters (“Union”) and pursuant to the trust agreements creating each of the Trust Funds (“trust agreements”).

3. On August 1, 2007, Evan Shy, as President of E. SHY ENTERPRISES, INC. (“Defendant”), and the Union entered into a Memorandum of Agreement whereby Defendant agreed to be bound by the applicable collective bargaining agreement and trust agreements.

These agreements require Defendant to make contributions to the Trust Funds. A true and accurate copy of this Memorandum of Agreement is attached as Exhibit A-1.

4. Defendant agreed pursuant to the collective bargaining agreement and trust agreements to submit to a periodic audit of its books and records in order to verify the accuracy of the contributions reported and paid to the Trust Funds.

5. Defendant produced its books and records for an audit of its contributions to the Trust Funds for the period June 1, 2007 to June 30, 2008 ("Audit Period") to the auditing firm engaged by the Trust Funds, James Egan & Associates, Ltd.


6. A copy of the audit prepared for the Trust Funds is attached as Exhibit A-2. According to the audit, Defendant owes \$4,801.50 in unpaid contributions for the Audit Period.

7. Defendant owes \$543.13 in unpaid interest and \$960.30 in liquidated damages. A summary of the calculation of accrued interest and liquidated damages is attached hereto as Exhibit A-3.

8. Because Defendant failed to comply with the terms of the Collective Bargaining Agreement and trust agreements, the Trust Funds have had to employ the services of attorneys McJessey, Ching & Thompson, LLC. As a result, the Trust Funds incurred attorneys' fees and costs.

9. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER DECLARANT SAYETH NOT.

  
John Libby

7/20/09

09 CV 3083

EXHIBIT A-1

# Memorandum of Agreement

Employer E. Shy Enterprises, Inc. / dba  
Success Ventures

Address 512 N. McClurg Court, \$4101

City Chicago

State IL

Zip 60611

Phone 630-993-9600

THIS AGREEMENT is entered into between the Chicago Regional Council of Carpenters ("Union") and the Employer, including its successors and assigns covering the geographic jurisdiction of the Union including the following counties in Illinois: Boone, Bureau, Carroll, Cook, De Kalb, DuPage, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Marshall, McHenry, Mercer, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, Will, Winnebago. The following counties in Iowa: Allamakee, Appanoose, Benton, Black Hawk, Bremer, Buchanan, Butler, Cedar, Cerro Gordo, Chickasaw, Clayton, Clinton, Davis, Delaware, Des Moines, Dubuque, Fayette, Floyd, Franklin, Grundy, Hancock, Henry, Howard, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Mahaska, Mitchell, Monroe, Muscatine, Scott, Tama, Van Buren, Wapello, Washington, Wayne, Winnebago, Winneshiek, Worth, Wright. The following counties in Wisconsin: Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha. The Union and the Employer do hereby agree to the following:

1. The Employer recognizes the Union as the sole and exclusive bargaining representative on behalf of its employees who are working within the territorial and occupational jurisdiction of the Union.

2. The Employer has reviewed sufficient evidence and is satisfied that the Union is the exclusive bargaining representative of a majority of its employees presently working within the territorial and occupational jurisdiction of the Union.

3. The Employer and the Union agree to incorporate into this Memorandum Agreement and to be bound by the Agreements negotiated between the Chicago Regional Council of Carpenters and various employers and employer associations, including all Area Agreements for the period beginning on the execution of this Memorandum Agreement and ending on the expiration dates of any successor Agreements which are incorporated herein (see attached list). Unless the Employer provides written notice by certified mail to the Chicago Regional Council of its desire to terminate or modify the Agreement at least three (3) calendar months prior to the expiration of such Agreement, the Agreement shall continue in full force and effect through the full term and duration of all subsequent Agreements which are incorporated by reference.

4. The Employer agrees to be bound to the terms of the various Trust Agreements which contributions are required to be made under the Agreements incorporated in Paragraph 3, including all rules and regulations adopted by the Trustees of each Fund.

In Witness Whereof the parties have executed this Memorandum of Agreement on this First day of August, 2007.

*E. S. G. P.*

EMPLOYER

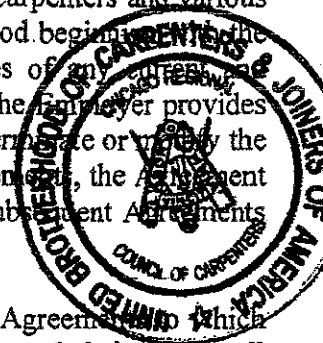
EVAN SHY

President

Print Name and Title

CHICAGO REGIONAL COUNCIL  
OF CARPENTERS

Stan Perkowski  
Authorized Regional Council  
Representative





09 CV 3083

EXHIBIT A-2

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Discrepancy Summary By Reporting Period

<p align="center"><b>Report on the Compliance of:</b></p> <p align="center">Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL. 60611          (630)993-9600</p>	<p align="center"><b>Covering the Period of:</b></p> <p align="center">June, 2007 To June, 2008</p> <hr/> <p align="center"><b>Page Number:</b></p> <p align="center">1 of 8</p> <hr/> <p align="center"><b>Total Discrepancies This Report:</b></p> <p align="center">291.00 Hours</p>
---	---

Reporting Period	Discrepancy Hours	Contribution Rate	Discrepancy Dollars
June, 2007	40.00	16.50	\$ 660.00
July, 2007	93.00	16.50	1,534.50
August, 2007	80.00	16.50	1,320.00
September, 2007	73.00	16.50	1,204.50
March, 2008	5.00	16.50	82.50
<b>Report Sub-Total</b>	<b>291.00</b>		<b>\$ 4,801.50</b>
<b>Liquidated Damages (1)</b>			<b>960.30</b>
<b>Grand Total Due</b>			<b>\$ 5,761.80</b>

(1) Details Attached.

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**  
 Liquidated Damages

*Benefit  
Hours*

**Report on the Compliance of**

**Covering The Period of**

**Account Number 24547**

June, 2007 To June, 2008

E SHY ENTERPRISES, INC DBA  
 SUCCESS VENTURES  
 512 N MCCLURG CT #4101  
 CHICAGO, IL. 60611  
 (630)993-9600

**Page Number**

2 of 8

**Total Discrepancies This Report**

291.00 Hours

Reporting Period	Discrepancy Dollars	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
June, 2007	660.00	16	177.53	
July, 2007	1,534.50	15	383.98	
August, 2007	1,320.00	14	305.92	
September, 2007	1,204.50	13	257.22	
March, 2008	82.50	7	9.06	
<b>5 Period(s)</b>	<b>\$ 4,801.50</b>		<b>\$ 1,133.71</b>	<b>\$ 960.30</b>

- (2) 1.5 % Compounded per Month (or portion thereof)
- (3) Total Damages Not To Exceed The 20% ERISA Limitation

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Legend of Discrepancy Codes Encountered

<b>Report on the Compliance of</b>	<b>Covering the Period of</b>				
<b>Account Number</b> 24547  E SHY ENTERPRISES, INC DBA SUCCESS VENTURES 512 N MCCLURG CT #4101 CHICAGO, IL. 60611 (630)993-9600	June, 2007 To June, 2008  <table border="1"> <tr> <td align="center"><b>Page Number</b></td> </tr> <tr> <td align="center">3 of 8</td> </tr> </table> <table border="1"> <tr> <td align="center"><b>Total Discrepancies This Period</b></td> </tr> <tr> <td align="center">291.00 Hours</td> </tr> </table>	<b>Page Number</b>	3 of 8	<b>Total Discrepancies This Period</b>	291.00 Hours
<b>Page Number</b>					
3 of 8					
<b>Total Discrepancies This Period</b>					
291.00 Hours					

Code	Discrepancy Description	Amount
	<b>SIGNATORY EMPLOYER - PAYROLL</b>	
101	Clerical Error	2,524.50
102	Hours Worked Prior To Reporting	1,534.50
102Q	Hours Worked Prior To Reporting	660.00
103	Omission - Reported Individual	82.50
<b>Report Sub-Total</b>		<b>\$ 4,801.50</b>
<b>Liquidated Damages (1)</b>		<b>960.30</b>
<b>Grand Total Due</b>		<b>\$ 5,761.80</b>

(1) Details Attached.

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Detailed Discrepancy Hours By Period

<p align="center"><b>Report on the Compliance of</b></p> <p>Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL. 60611          (630) 993-9600</p> <p align="center">[ Actual Hours Compensated In Period ]</p>	<p align="center"><b>Covering the Period of</b></p> <p align="center">June, 2007</p> <hr/> <p align="center"><b>Page Number</b></p> <p align="center">4 of 8</p> <hr/> <p align="center"><b>Total Discrepancies This Period</b></p> <p align="center">40.00 Hours</p>
---	---

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Cap Total Hours	Discrepancy Hours	Code	
			1st	2nd	3rd	4th	5th				
349-68-2256	BARRAZA, LUIS	0.00	0.00	0.00	0.00	40.00*	0.00	40.00	175.00	40.00	1020
<b>Total Hours This Page</b>		0.00	0.00	0.00	40.00	0.00	40.00			40.00	

Total Items Listed This Period : 1  
 Total Difference In Hours This Period : 40.00

<\*> - Hours were calculated by dividing quarterly wages (UC3/40) by the appropriate wage rate.

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Detailed Discrepancy Hours By Period

<p align="center"><b>Report on the Compliance of</b></p> <p>Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL. 60611          (630) 993-9600</p> <p align="center">[ Actual Hours Compensated In Period ]</p>	<p align="center"><b>Covering the Period of</b></p> <p align="center">July, 2007</p> <hr/> <p align="center"><b>Page Number</b></p> <p align="center">5 of 8</p> <hr/> <p align="center"><b>Total Discrepancies This Period</b></p> <p align="center">93.00 Hours</p>
---	---

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Cap Total Hours	Discrepancy Hours	Code	
			1st	2nd	3rd	4th	5th				
349-68-2256	BARRAZA, LUIS	0.00	40.00	17.00	0.00	0.00	0.00	57.00	175.00	57.00	102
359-58-4692	OUSLEY JR, WILLIE L	0.00	0.00	0.00	0.00	36.00	0.00	36.00	175.00	36.00	102
<b>Total Hours This Page</b>		0.00	40.00	17.00	0.00	36.00	0.00	93.00		93.00	

Total Items Listed This Period : 2

Total Difference In Hours This Period : 93.00

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Detailed Discrepancy Hours By Period

<p align="center"><b>Report on the Compliance of</b></p> <p>Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL. 60611          (630) 993-9600</p> <p align="center">[ Actual Hours Compensated In Period ]</p>	<p align="center"><b>Covering the Period of</b></p> <p align="center">August, 2007</p> <hr/> <p align="center"><b>Page Number</b></p> <p align="center">6 of 8</p> <hr/> <p align="center"><b>Total Discrepancies This Period</b></p> <p align="center">80.00 Hours</p>
---	---

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap Hours	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
335-60-9692	BARRAZA, ALFREDO	72.00	40.00	0.00	80.00	40.00	0.00	160.00	175.00	88.00	101
349-68-2256	BARRAZA, LUIS	56.00	0.00	0.00	32.00	40.00	0.00	72.00	175.00	16.00	101
359-58-4692	OUSLEY JR, WILLIE L	168.00	40.00	0.00	72.00	32.00	0.00	144.00	175.00	(24.00)	101
<b>Total Hours This Page:</b>		296.00		0.00	112.00			376.00			
			80.00		184.00		0.00			80.00	

Total Items Listed This Period : 3

Total Difference In Hours This Period : 80.00

**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Detailed Discrepancy Hours By Period

**Report on the Compliance of**

**Covering the Period of**

**Account Number** 24547

September, 2007

E SHY ENTERPRISES, INC DBA  
 SUCCESS VENTURES  
 512 N MCCLURG CT #4101  
 CHICAGO, IL. 60611  
 (630) 993-9600

**Page Number**

7 of 8

**Total Discrepancies This Period**

73.00 Hours

[ Actual Hours Compensated In Period ]

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total	Cap Hours	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
335-60-9692	BARRAZA, ALFREDO	96.00	24.00	40.00	32.00	40.00	0.00	136.00	175.00	40.00	101
349-68-2256	BARRAZA, LUIS	143.00	24.00	32.00	32.00	40.00	0.00	128.00	175.00	(15.00)	101
359-58-4692	OUSLEY JR, WILLIE L	48.00	24.00	40.00	32.00	0.00	0.00	96.00	175.00	48.00	101
<b>Total Hours This Page</b>		<b>287.00</b>		<b>112.00</b>		<b>80.00</b>		<b>360.00</b>			
			<b>72.00</b>		<b>96.00</b>		<b>0.00</b>			<b>73.00</b>	

Total Items Listed This Period : 3

Total Difference In Hours This Period : 73.00



**James Egan & Associates, Ltd.**  
**Certified Public Accountants**

*Benefit  
Hours*

Detailed Discrepancy Hours By Period

**Report on the Compliance of**

**Covering the Period of**

**Account Number** 24547

March, 2008

E SHY ENTERPRISES, INC DBA  
 SUCCESS VENTURES  
 512 N MCCLURG CT #4101  
 CHICAGO, IL. 60611  
 (630)993-9600

**Page Number**

8 of 8

**Total Discrepancies This Period**

5.00 Hours

[ Actual Hours Compensated In Period ]

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap Hours	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
335-60-9692	BARRAZA, ALFREDO	0.00	0.00	0.00	5.00	0.00	0.00	5.00	175.00	5.00	103
<b>Total Hours This Page</b>		0.00	0.00	0.00	5.00	0.00	0.00	5.00			
			0.00		5.00		0.00				5.00

Total Items Listed This Period : 1

Total Difference In Hours This Period : 5.00

09 CV 3083

EXHIBIT A-3

Summary of Contributions, Liquidated Damages & Interest Due  
 For The Reporting Period(s) Specified Below  
 Computed Through July 10, 2009

**Employer Information**

File Number 99000  
 Name ESCROW EMPLOYER  
 Address  
 City, State , . 00000-0000  
 Telephone

Page Number 1 of 3  
 Reference Number: 9-64  
 Date Printed: 07/10/2009

Reporting Period	Delinquent Contributions	Liquidated Damages (1)	Interest (1)	Total Due
June, 2007	\$ 660.00	\$ 297.62	\$ 83.42	\$ 1,041.04
July, 2007	1,534.50	659.07	182.29	2,375.86
August, 2007	1,320.00	539.06	146.84	2,005.90
September, 2007	1,204.50	466.82	125.25	1,796.57
March, 2008	82.50	22.19	5.33	110.02
<b>Grand Total (3)</b>	<b>\$ 4,801.50</b>	<b>\$ 960.30</b>	<b>\$ 543.13</b>	<b>\$ 6,304.93</b>

(1) See Attached Computation

(3) Total Damages Capped at 20.00% in Accordance With ERISA Limitation

Total Amount Due : \$ 6,304.93 If Paid by July 10, 2009

Computation of Liquidated Damages  
For The Reporting Period(s) Specified Below  
Computed Through July 10, 2009

**Employer Information**

File Number 99000  
Name ESCROW EMPLOYER  
Address  
City, State , . 00000-0000  
Telephone

Page Number 2 of 3  
Reference Number: 9-64  
Date Computed: 07/10/2009

Reporting Period	Contributions Due	Computation Base	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
June, 2007	\$ 660.00	\$ 660.00	25	\$ 297.62	\$ 297.62
July, 2007	1,534.50	1,534.50	24	659.07	659.07
August, 2007	1,320.00	1,320.00	23	539.06	539.06
September, 2007	1,204.50	1,204.50	22	466.82	466.82
March, 2008	82.50	82.50	16	22.19	22.19
<b>Total (3)</b>	\$ 4,801.50				\$ 960.30

(2) 1.50% Compounded per Month (or portion thereof)

(3) Total Damages Capped at 20.00% in Accordance With ERISA Limitation

Computation of Interest  
 For The Reporting Period(s) Specified Below  
 Computed Through July 10, 2009

**Employer Information**

File Number 99000  
 Name ESCROW EMPLOYER  
 Address  
 City, State , . 00000-0000  
 Telephone

Page Number 3 of 3  
 Reference Number: 9-64  
 Date Computed: 07/10/2009

Reporting Period	Contributions	Computation	Delinquent Period			Computed	Total
	Due	Base	From	To	Days	Interest (3)	Interest For Reporting Period
June, 2007	\$ 660.00	\$ 660.00	07/21/2007	07/10/2009	721	\$ 83.42	\$ 83.42
July, 2007	1,534.50	1,534.50	08/21/2007	07/10/2009	690	182.29	182.29
August, 2007	1,320.00	1,320.00	09/21/2007	07/10/2009	659	146.84	146.84
September, 2007	1,204.50	1,204.50	10/21/2007	07/10/2009	629	125.25	125.25
March, 2008	82.50	82.50	04/21/2008	07/10/2009	446	5.33	5.33
<b>Total</b>	<b>\$ 4,801.50</b>						<b>\$ 543.13</b>

**09 CV 3083**

**EXHIBIT B**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF	)	
CARPENTERS PENSION FUND, et al.,	)	
	)	Case No. 09 CV 3083
Plaintiffs,	)	
v.	)	Judge Coar
	)	
E. SHY ENTERPRISES, INC.,	)	
	)	
Defendants.	)	

**DECLARATION OF JAMES EGAN**

I, James Egan, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

1. I am a principal in the Certified Public Accounting firm of James Egan & Associates, Ltd., ("Egan"). I am familiar with the billings to the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenters Apprentice and Trainee Program, and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively "the Trust Funds"), including fees and expenses incurred in connection with Egan's auditing the books and records of employers who are signatory to the collective bargaining agreement with the Chicago and Northeast Illinois Regional Council of Carpenters.

2. In connection with efforts to obtain and conduct an audit of the books and records of E. Shy Enterprises, Inc. ("Defendant"), the Trust Funds incurred \$1,460.60 in fees and expenses through July 17, 2009. These efforts were comprised of communications with the Defendants, review and analysis of the Defendants' books and records, creation and revision of the audit report, and follow-up communications with the Trust Funds and its agents. Egan's rate

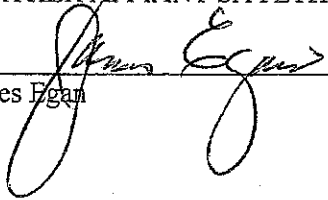
for its auditors was \$67.00 per hour. A breakdown of the fees and costs to the Trust Funds in this matter are attached as Exhibit B-1.

3. Egan prepared an audit report based on records produced by Defendants which is attached as Exhibit B-2.

4. The audit fees and expenses charged to the Trust Funds in this matter are consistent with Egan's regular charges for services to the Trust Funds on similar matters.

5. I have personal knowledge of the matters stated in this declaration and could testify competently to them.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
James Egan



09 CV 3083

EXHIBIT B-1

*James Egan & Associates, Ltd.*

*Chicago Regional Council of Carpenters  
Pension, Welfare and Apprentices Fund*

*Invoice for Audits Submitted  
during the Month of October, 2008*

Invoice #: 00101210

Employer Account #: 24547 Employer Name: E Shy Enterprises Inc dba Success Ventures	Charged Hours	Rate	Invoice Amount
<b>James E. Santor</b>			
Assigned Administrative Duties	0.30	67.00	20.10
Technical Review	3.60	67.00	241.20
Meetings/Consultations- Employer	0.30	67.00	20.10
Supervisory Review	0.30	67.00	20.10
	<u>4.50</u>		<u>301.50</u>
<b>Joshua L. Wyrick</b>			
Technical Review	0.50	67.00	33.50
	<u>0.50</u>		<u>33.50</u>
<b>John S. Conklin</b>			
Post Review Adjustments	0.50	67.00	33.50
Pre-Engagement Planning	0.30	67.00	20.10
Conclude Workpapers and/or Report(s)	6.10	67.00	408.70
Establish Employee Categories	0.40	67.00	26.80
Compile & Verify Individuals' Hours/Wage	1.40	67.00	93.80
Reconcile Individuals' Wages	0.40	67.00	26.80
Compile Payments (Disbursements)	0.70	67.00	46.90
Review Contracts/Invoices/Waivers/etc.	0.20	67.00	13.40
Review General Ledgers/Financial Stmtts	0.20	67.00	13.40
Meetings/Consultations- Client/Rep	0.20	67.00	13.40
Meetings/Consultations- Employer	2.10	67.00	140.70
Travel Time	2.50	67.00	167.50
	<u>15.00</u>		<u>1,005.00</u>
<b>Katherine A. Lopez</b>			
Preparation- Audit Report(s)	0.10	67.00	6.70
Correspondence- Employer	0.20	67.00	13.40
	<u>0.30</u>		<u>20.10</u>
<b>Marc D. Pugh</b>			
Prepare Discrepancy Workpapers	0.20	67.00	13.40
Meetings/Consultations- Client/Rep	0.30	67.00	20.10
Meetings/Consultations- Employer	0.70	67.00	46.90
	<u>1.20</u>		<u>80.40</u>

*James Egan & Associates, Ltd.*

*Chicago Regional Council of Carpenters  
Pension, Welfare and Apprentice Fund*

Invoice #: 00101210

*Invoice for Audits Submitted  
during the Month of October, 2008*

Employer Account #: 24547 Employer Name: E Shy Enterprises Inc dba Success Ventures	Charged Hours	Rate	Invoice Amount
Marc E. Ragona			
Conclude Workpapers and/or Report(s)	0.10	67.00	6.70
Meetings/Consultations- Employer	0.20	67.00	13.40
	<u>0.30</u>		<u>20.10</u>
<i>Total Charges for E Shy Enterprises Inc dba Success Ventures</i>	<b>21.80</b>		<b>1,460.60</b>

**Detail Time Charges**  
 during the period of 7/1/2008 through 7/17/2009

Client Number: 85018		Charged Hours	Billing Rate	Billing Amount
Client Name: E Shy Enterprises Inc dba Success Ventures				
<b>James E. Santor</b>				
<b>Assigned Administrative Duties</b>				
08/15/2008	Assign Due Date/Update Projected Submission	0.20	67.00	13.40
08/22/2008	Adjust Due Date/Update Projected Submission	0.10	67.00	6.70
		<b>0.30</b>		<b>20.10</b>
<b>Technical Review</b>				
10/17/2008	Technical Review	0.20	67.00	13.40
10/17/2008	Technical Review	2.00	67.00	134.00
10/20/2008	Review Adjustments	1.40	67.00	93.80
		<b>3.60</b>		<b>241.20</b>
<b>Meetings/Consultations- Employer</b>				
09/18/2008	Phone Call/Les (Co)/Cancel & Reschedule Appointment	0.30	67.00	20.10
		<b>0.30</b>		<b>20.10</b>
<b>Supervisory Review</b>				
10/23/2008	Supervisory Review	0.30	67.00	20.10
		<b>0.30</b>		<b>20.10</b>
<b>Joshua L. Wyrick</b>				
<b>Technical Review</b>				
10/14/2008	Preliminary review	0.50	67.00	33.50
		<b>0.50</b>		<b>33.50</b>
<b>John S. Conklin</b>				
<b>Post Review Adjustments</b>				
10/17/2008	Technical Review Adj	0.50	67.00	33.50
		<b>0.50</b>		<b>33.50</b>
<b>Pre-Engagement Planning</b>				
09/22/2008	Download Files, Directions, Preplanning	0.30	67.00	20.10
		<b>0.30</b>		<b>20.10</b>
<b>Conclude Workpapers and/or Report(s)</b>				
09/22/2008	Upload Files, Time Entry	0.20	67.00	13.40
09/22/2008	Conclude Disbursement Wrkprs	0.90	67.00	60.30
09/22/2008	Prepare and send Doc Request	0.30	67.00	20.10
10/06/2008	Conclude Wrkprs	1.60	67.00	107.20
10/07/2008	Conclude Wrkprs. Procedures	0.10	67.00	6.70
10/07/2008	Conclude Wrkprs. Procedures	0.10	67.00	6.70
10/08/2008	Conclude Wrkprs	0.90	67.00	60.30
10/10/2008	Conclude Wrkprs	0.40	67.00	26.80
10/13/2008	Conclude Wrkprs	0.20	67.00	13.40
10/14/2008	Conclude Wrkprs, Submit for Review	1.40	67.00	93.80
		<b>6.10</b>		<b>408.70</b>

**Detail Time Charges**  
 during the period of 7/1/2008 through 7/17/2009

Client Number: 85018		Charged	Billing
Client Name: E Shy Enterprises Inc dba Success Ventures		Hours	Rate Amount
<b>John S. Conklin</b>			
<b>Establish Employee Categories</b>			
10/01/2008	Enter SUTAs	0.30	67.00 20:10
10/10/2008	Enter SUTA	0.10	67.00 6.70
		<b>0.40</b>	<b>26.80</b>
<b>Compile &amp; Verify Individuals' Hours/Wage</b>			
09/22/2008	Enter Payroll	0.40	67.00 26.80
10/01/2008	Enter Payroll	1.00	67.00 67.00
		<b>1.40</b>	<b>93.80</b>
<b>Reconcile Individuals' Wages</b>			
10/01/2008	Reconcile Wages	0.40	67.00 26.80
		<b>0.40</b>	<b>26.80</b>
<b>Compile Payments (Disbursements)</b>			
09/22/2008	Review Disbursements	0.70	67.00 46.90
		<b>0.70</b>	<b>46.90</b>
<b>Review Contracts/Invoices/Waivers/etc.</b>			
09/22/2008	Review Invoices	0.20	67.00 13.40
		<b>0.20</b>	<b>13.40</b>
<b>Review General Ledgers/Financial Stmts.</b>			
10/10/2008	Review Bank Statements	0.20	67.00 13.40
		<b>0.20</b>	<b>13.40</b>
<b>Meetings/Consultations- Client/Rep</b>			
08/19/2008	Meeting John Libby - Appointment	0.10	67.00 6.70
08/22/2008	Call TF - Appointment	0.10	67.00 6.70
		<b>0.20</b>	<b>13.40</b>
<b>Meetings/Consultations- Employer</b>			
08/05/2008	Attempt to Schedule Appt	0.10	67.00 6.70
08/18/2008	Attempt to Schedule Appt	0.10	67.00 6.70
08/19/2008	Attempt to schedule appt	0.10	67.00 6.70
08/21/2008	Attempt to Schedule Appt	0.10	67.00 6.70
08/22/2008	Set up Appointment	0.50	67.00 33.50
09/22/2008	Meeting with Contact	0.10	67.00 6.70
09/22/2008	Meeting with Contact	0.20	67.00 13.40
09/29/2008	Doc Request	0.20	67.00 13.40
09/30/2008	Doc Req	0.10	67.00 6.70
10/01/2008	Doc Request	0.10	67.00 6.70
10/03/2008	Doc Request	0.20	67.00 13.40
10/09/2008	Doc Request	0.20	67.00 13.40
10/13/2008	Doc Request	0.10	67.00 6.70
		<b>2.10</b>	<b>140.70</b>

**Detail Time Charges**  
during the period of 7/1/2008 through 7/17/2009

Client Number: 85018		Charged Hours	Rate	Billing Amount
Client Name: E Shy Enterprises Inc dba Success Ventures				
<b>John S. Conklin</b>				
<b>Travel Time</b>				
09/22/2008	Travel to Appt	1.40	67.00	93.80
09/22/2008	Travel	1.10	67.00	73.70
		<b>2.50</b>		<b>167.50</b>
<b>Katherine A. Lopez</b>				
<b>Preparation- Audit Report(s)</b>				
10/22/2008	Print & collate engagement report	0.10	67.00	6.70
		<b>0.10</b>		<b>6.70</b>
<b>Correspondence- Employer</b>				
08/06/2008	Prepare outgoing certified letter	0.10	67.00	6.70
09/02/2008	Logged & prepared outgoing confirmation letter	0.10	67.00	6.70
		<b>0.20</b>		<b>13.40</b>
<b>Marc D. Pugh</b>				
<b>Prepare Discrepancy Workpapers</b>				
07/31/2008	Imported hours and setup workpapers.	0.20	67.00	13.40
		<b>0.20</b>		<b>13.40</b>
<b>Meetings/Consultations- Client/Rep</b>				
08/14/2008	Setup FA with TF.	0.30	67.00	20.10
		<b>0.30</b>		<b>20.10</b>
<b>Meetings/Consultations- Employer</b>				
08/01/2008	Attempted to setup FA.	0.10	67.00	6.70
08/13/2008	Setup tentative FA with company.	0.30	67.00	20.10
08/14/2008	Attempted to setup FA with co.	0.10	67.00	6.70
08/18/2008	Discussed FA with company.	0.20	67.00	13.40
		<b>0.70</b>		<b>46.90</b>
<b>Marc E. Ragona</b>				
<b>Conclude Workpapers and/or Report(s)</b>				
08/15/2008	Update schedule	0.10	67.00	6.70
		<b>0.10</b>		<b>6.70</b>
<b>Meetings/Consultations- Employer</b>				
07/31/2008	Phone call - attempt to schedule appointment	0.10	67.00	6.70
08/14/2008	Phone call - attempt to schedule appointment	0.10	67.00	6.70
		<b>0.20</b>		<b>13.40</b>
		<b>21.80</b>		<b>1,460.60</b>

09 CV 3083

EXHIBIT B-2

James Egan & Associates, Ltd.  
 Certified Public Accountants

Benefit  
 Hours

Discrepancy Summary By Reporting Period

Report on the Compliance of		Covering the Period of	
Account Number 24547		June, 2007 To June, 2008	
E SHY ENTERPRISES, INC DBA SUCCESS VENTURES 512 N MCCLURG CT #4101 CHICAGO, IL. 60611 (630)993-9600		Page Number	
		1 of 8	
		Total Discrepancies This Report	
		291.00 Hours	

Reporting Period	Discrepancy Hours	Contribution Rate	Discrepancy Dollars
June, 2007	40.00	16.50	660.00
July, 2007	93.00	16.50	1,534.50
August, 2007	80.00	16.50	1,320.00
September, 2007	73.00	16.50	1,204.50
March, 2008	5.00	16.50	82.50
<b>Report Sub-Total</b>	<b>291.00</b>		<b>\$ 4,801.50</b>
<b>Liquidated Damages (1)</b>			<b>960.30</b>
<b>Grand Total Due</b>			<b>\$ 5,761.80</b>

(1) Details Attached.

Trust Fund Copy



James Egan & Associates, Ltd.  
 Certified Public Accountants  
 Liquidated Damages

Benefit  
 Hours

<p><b>Report on the Compliance of</b></p> <p>Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL. 60611          (630)993-9600</p>	<p><b>Covering The Period of</b></p> <p>June, 2007 To June, 2008</p> <p><b>Page Number</b></p> <p>2 of 8</p> <p><b>Total Discrepancies This Report</b></p> <p>291.00 Hours</p>
--	--

Reporting Period	Discrepancy Dollars	Compounding Periods	Computed Damages (2)	Total (3) Damages For Reporting Period
June, 2007	560.00	16	177.53	
July, 2007	1,534.50	15	383.98	
August, 2007	1,320.00	14	305.92	
September, 2007	1,204.50	13	257.22	
March, 2008	82.50	7	9.05	
5 Period(s)	\$ 4,801.50		\$ 1,133.71	\$ 560.30

- (2) 1.5 % Compounded per Month (or portion thereof)
- (3) Total Damages Not To Exceed The 20% ERISA Limitation

James Egan & Associates, Ltd.  
 Certified Public Accountants

Benefit  
 Hours

Legend of Discrepancy Codes Encountered

Report on the Compliance of	Covering the Period of
Account Number 24547  E SHY ENTERPRISES, INC DBA SUCCESS VENTURES 512 N MCCLURG CT #4101 CHICAGO, IL. 60611 (630)993-9600	June, 2007 To June, 2008
	Page Number:
	3 of 8
	Total Discrepancies This Period:
	291.00 Hours

Code	Discrepancy Description	Amount
	SIGNATORY EMPLOYER - PAYROLL	
101	Clerical Error	2,524.50
102	Hours Worked Prior To Reporting	1,534.50
102Q	Hours Worked Prior To Reporting	660.00
103	Omission - Reported Individual	82.50
Report Sub-Total		\$ 4,801.50
Liquidated Damages (1)		960.30
Grand Total Due		\$ 5,761.80

(1) Details Attached.

Trust Fund Copy

James Egan & Associates, Ltd.  
 Certified Public Accountants  
 Detailed Discrepancy Hours By Period

Benefit  
Hours

Report on the Compliance of  Account Number 24547  E SHY ENTERPRISES, INC DBA SUCCESS VENTURES 512 N MCCLURG CT #4101 CHICAGO, IL. 60611 (630)993-9600  ( Actual Hours Compensated In Period )	Covering the Period of  June, 2007  Page Number 4 of 8  Total Discrepancies This Period 40.00 Hours
--	---

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
349-68-2256	BARRAZ, LUIS	0.00	0.00	0.00	0.00	40.00	0.00	40.00	175.00	40.00	1020
<b>Total Hours This Page</b>		0.00	0.00	0.00	40.00	0.00	40.00			40.00	
		0.00	0.00	0.00	0.00	0.00	0.00			40.00	

Total Items Listed This Period : 1  
 Total Difference In Hours This Period : 40.00

<> - Hours were calculated by dividing quarterly wages (UCS/40) by the appropriate wage rate.

James Egan & Associates, Ltd.  
 Certified Public Accountants

Benefit  
 Hours

Detailed Discrepancy Hours By Period

<p>Report on the Compliance of</p> <p>Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL. 60611          (630)993-9600</p> <p>[ Actual Hours Compensated In Period ]</p>	<p>Covering the Period of</p> <p>July, 2007</p> <p>Page Number</p> <p>5 of 8</p> <p>Total Discrepancies This Period</p> <p>93.00 Hours</p>
---	--

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
349-66-2256	BARRAZA, LOIS	0.00	40.00	17.00	0.00	0.00	0.00	57.00	175.00	57.00	102
359-58-4692	OUSLEY JR, WILLIE L	0.00	0.00	0.00	0.00	36.00	0.00	36.00	175.00	36.00	102
Total Hours This Page:		0.00	40.00	17.00	0.00	36.00	0.00	93.00		93.00	

Total Items Listed This Period : 2

Total Difference In Hours This Period : 93.00

James Egan & Associates, Ltd.  
 Certified Public Accountants

Benefit  
 Hours

Detailed Discrepancy Hours By Period

Report on the Compliance of	Covering the Period of
Account Number 24547	August, 2007
E SHY ENTERPRISES, INC DBA SUCCESS VENTURES 512 N MCCLURG CT #4101 CHICAGO, IL. 60611 (630)993-9600	Page Number 6 of 8
[ Actual Hours Compensated In Period ]	Total Discrepancies This Period 80.00 Hours

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
339-60-9692	BARRAZA, ALFREDO	72.00	40.00	0.00	80.00	40.00	0.00	160.00	175.00	88.00	101
349-68-2256	ERRAZA, LUIS	56.00	0.00	0.00	32.00	40.00	0.00	72.00	175.00	16.00	101
359-58-4592	OUSLEY JR, WILLIE L.	168.00	40.00	0.00	72.00	32.00	0.00	144.00	175.00	(24.00)	101
Total Hours This Page		296.00	0.00		112.00			376.00			
		80.00			184.00			0.00		80.00	

Total Items Listed This Period : 3  
 Total Difference In Hours This Period : 80.00

James Egan & Associates, Ltd.  
 Certified Public Accountants

Benefit  
 Hours

Detailed Discrepancy Hours By Period

Report on the Compliance of	Covering the Period of
Account Number 24547	September, 2007
E. SHY ENTERPRISES, INC DBA SUCCESS VENTURES 512 N MCCLURG CT #4101 CHICAGO, IL. 60611 (630)993-9600	Page Number 7 of 8
[ Actual Hours Compensated In Period ]	Total Discrepancies This Period 73.00 Hours

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap Hours	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
335-68-9622	BARRAZA, ALFREDO	96.00	24.00	40.00	32.00	40.00	0.00	136.00	175.00	40.00	101
349-68-3256	BARRAZA, LUIS	143.00	24.00	32.00	32.00	40.00	0.00	128.00	175.00	(15.00)	101
353-58-4592	OSLEY, JR, WILLIE L	48.00	24.00	40.00	32.00	0.00	0.00	96.00	175.00	48.00	101
<b>Total Hours This Page</b>		<b>287.00</b>		<b>112.00</b>		<b>80.00</b>		<b>360.00</b>			
			<b>72.00</b>		<b>96.00</b>		<b>0.00</b>			<b>73.00</b>	

Total Items Listed This Period : 3  
 Total Difference In Hours This Period : 73.00

James Egan & Associates, Ltd.  
 Certified Public Accountants

Benefit  
 Hours

Detailed Discrepancy Hours By Period

<p>Report on the Compliance of</p> <p>Account Number 24547</p> <p>E SHY ENTERPRISES, INC DBA          SUCCESS VENTURES          512 N MCCLURG CT #4101          CHICAGO, IL 60611          (630)993-9600</p> <p>[ Actual Hours Compensated In Period ]</p>	<p>Covering the Period of</p> <p>March, 2008</p> <hr/> <p>Page Number</p> <p>. 8 of 8</p> <hr/> <p>Total Discrepancies This Period</p> <p>5.00 Hours</p>
--	--

Social Security Number	Employee Name	Hours Reported	Actual Hours Compensated In Period					Total Hours	Cap Hours	Discrepancy Hours	Code
			1st	2nd	3rd	4th	5th				
335-60-9692	BARRAZA, ALFREDO	0.00	0.00	0.00	5.00	0.00	0.00	5.00	175.00	5.00	103
<b>Total Hours This Page</b>		0.00	0.00	0.00	5.00	0.00	0.00	5.00		5.00	

Total Items Listed This Period : 1  
 Total Difference In Hours This Period : 5.00

**09 CV 3083**

**EXHIBIT C**



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF	)	
CARPENTERS PENSION FUND, et al.,	)	
	)	Case No. 09 CV 3083
Plaintiffs,	)	
v.	)	Judge Coar
	)	
E. SHY ENTERPRISES, INC., et al.,	)	
	)	
Defendants.	)	

**DECLARATION OF KEVIN P. MCJESSY**

I, Kevin P. McJessey, hereby declare, under penalty of perjury pursuant to the laws of the United States, as follows:

1. I am one of the attorneys representing the Chicago Regional Council of Carpenters Pension Fund (“Pension Fund”), the Chicago Regional Council of Carpenters Welfare Fund (“Welfare Fund”), the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program (“Trainee Fund”), and the Labor/Management Union Carpentry Cooperation Promotion Fund (“Labor/Management Fund”) (collectively “the Trust Funds”) in the above-captioned lawsuit (“Lawsuit”) against E. SHY ENTERPRISES, INC. (“Defendant”).

2. I have been licensed to practice law in the State of Illinois and the United States District Court for the Northern District of Illinois since 1995. I am an attorney with McJessey, Ching & Thompson, LLC (“MC&T”). I have represented the Trust Funds in matters like this one since 1995.

3. As part of my practice, I handle claims under ERISA. I personally represented the Trust Funds in this Lawsuit. I have represented the Trust Funds in this Lawsuit since its inception.

4. The Trust Funds have incurred \$1,809.62 in fees and expenses to compel Defendant to comply with its obligations under the terms of the Collective Bargaining Agreement and applicable trust agreements. A redacted copy of the billing statement from MC&T from the inception of this lawsuit to the present, redacted to protect privileged communications, is attached as Exhibit C-1.


a) **Fees.** The Trust Funds have collectively incurred fees totaling \$1,360.00 for 8.5 hours of attorney services. The hourly rate for attorneys at MC&T for ERISA litigation for the Trust Funds is \$160 per hour. The Trust Funds have collectively incurred fees totaling \$48.00 for 0.8 hours of paralegal time. The hourly rate for paralegals at MC&T for ERISA litigation for the Trust Funds is \$60 per hour. The Trust Funds incurred these fees in connection with efforts to obtain Defendant's compliance with the terms of the Collective Bargaining Agreement and Trust Agreements.

b) **Costs.** The Trust Funds incurred \$401.62 in expenses for court costs, process servers, postage and photocopy charges. The costs are detailed in the billing statement attached as Exhibit C-1.

5. The attorneys' fees, paralegal fees and costs charged to the Trust Funds in this matter are consistent with MC&T's regular charges for services to the Trust Funds on similar matters..

6. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Kevin P. McJessey

09 CV 3083

EXHIBIT C-1



Client Ledger  
ALL DATES

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld		Trust Activity		Balance
				Rpts	Disbs		Inv#	Acc	Rcpts	Disbs	
	41955	Appeared in court before Judge Coar re: status hearing. Lawyer: KM 2.80 Hrs X 160.00				224.00					
Jul 17/2009	42026	Prepared motion for entry of final judgment. Prepared declaration of J. Libby re: E. Shy agreement and damages. Prepared correspondence to J. Libby re: [REDACTED] [REDACTED] Prepared declaration of K. McJessey re: attorneys fees and costs. Prepared declaration of J. Egan re: auditors' fees. Prepared correspondence to J. Egan re: forwarding proposed declaration for his review and signature. Prepared draft proposed order. Reviewed file materials as necessary to prepare motion, declarations and proposed draft order.				448.00					

TOTALS	UNBILLED				= TOTAL	BILLED				BALANCES	
	CHE	+ RECOV	+ FEES			DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00	0.00	944.00	944.00	401.62	464.00	0.00	80.42	785.20	0.00	
END DATE	0.00	0.00	944.00	944.00	401.62	464.00	0.00	80.42	785.20	0.00	

FIRM TOTAL	UNBILLED				= TOTAL	BILLED				BALANCES	
	CHE	+ RECOV	+ FEES			DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST
PERIOD	0.00	0.00	944.00	944.00	401.62	464.00	0.00	80.42	785.20	0.00	
END DATE	0.00	0.00	944.00	944.00	401.62	464.00	0.00	80.42	785.20	0.00	

REPORT SELECTIONS - Client Ledger

Layout Template	Default
Advanced Search Filter	None
Requested by	ADMIN
Finished	Friday, July 17, 2009 at 04:32:05 PM
Ver	9.31a
Matters	0122-ESHY
Clients	All
Major Clients	All
Client Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All
Type of Law	All
Select From	Active, Inactive, Archived Matters
Matters Sort by	Default
New Page for Each Lawyer	No
New Page for Each Matter	No
No Activity Date	Dec 31/2199
Firm Totals Only	No
Totals Only	No
Entries Shown - Billed Only	No
Entries Shown - Disbursements	Yes
Entries Shown - Receipts	Yes
Entries Shown - Time or Fees	Yes
Entries Shown - Trust	Yes
Incl. Matters with Retainer Bal	No
Incl. Matters with Neg Unbld Disb	No
Trust Account	All
Working Lawyer	All
Include Corrected Entries	No
Show Check # on Paid Payables	No
Show Client Address	No
Consolidate Payments	No
Show Trust Summary by Account	No
Show Interest	No
Interest Up To	Jul 17/2009
Show Invoices that Payments Were Applied to	No

**09 CV 3083**

**EXHIBIT D**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF )  
CARPENTERS PENSION FUND, et al., )  
 ) Case No. 09 CV 3083  
 )  
 ) Plaintiffs, )  
 )  
 ) v. ) Judge Coar  
 )  
 )  
 )  
 ) E. SHY ENTERPRISES, INC., )  
 )  
 )  
 ) Defendants. )

**ORDER**

On motion of the Chicago Regional Council of Carpenters Pension Fund *et al.* (“Trust Funds”) and pursuant to Federal Rules of Civil Procedure 54, a judgment is hereby entered in favor of the Trust Funds and against defendant E. Shy Enterprises, Inc. in the amount of \$9,575.15 as follows:

- A. \$4,801.50 in unpaid contributions pursuant to the audit;
- B. \$1,460.60 for auditor’s fees incurred by the Trust Funds to complete the audit of Defendants’ books and records;
- C. \$543.13 in interest under ERISA on the amount that is due;
- D. \$960.30 in liquidated damages; and
- E. \$1,809.62 in reasonable attorneys’ fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D).

Plaintiff Trust Funds are also awarded reasonable attorney’ fees and costs incurred by the Trust Funds in enforcing this order, and such other relief as this Court deems appropriate.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge David H. Coar