

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

TRUSTEES OF THE AUTOMOBILE)	
MECHANICS LOCAL NO. 701 UNION AND)	
INDUSTRY PENSION FUND,)	
)	
Plaintiffs,)	
)	No. 09 C 3372
v.)	
)	Judge Leinenweber
R & R FLEET MAINTENANCE, INC.,)	
)	Magistrate Judge Mason
Defendant.)	

AFFIDAVIT OF DONALD H. ALCOTT

Donald H. Alcott, upon being duly sworn, on oath deposes and states as follows:

1. I am the Fund Manager of the Plaintiffs, Trustees of the Automobile Mechanics' Local 701 Union and Industry Pension Fund. In this capacity I am familiar with the books and records of the Plaintiff Fund, including demands for payment and remittances submitted by employers.

2. I have examined the Fund records regarding withdrawal liability and payments for withdrawal liability of Defendant, R & R Fleet Maintenance, Inc., together with all other members of the R & R Fleet Maintenance Control Group.

3. On or about November 12, 2008, the Trustees made a demand for withdrawal liability in the amount of \$30,613.00 with a quarterly payment schedule of three payments of \$7,855.00, beginning December 1, 2008, and a final payment of \$7,048.00.

4. No payments of any withdrawal liability amounts were received from Defendant, including all members of the R & R Fleet Maintenance Control Group.

5. On or about February 17, 2009, a notification of overdue withdrawal liability payment was addressed to the same persons as the demand for withdrawal liability. This

notice demanded payment of the overdue amount that was originally due on December 1, 2008.

6. On May 6, 2009, a notice of default requiring immediate payment of the full withdrawal liability assessment of \$30,613.00, together with interest from the December 1, 2008, date of the missed payment giving rise to the default was addressed to the same persons as the demand for withdrawal liability.

7. To this date none of the withdrawal liability amounts have been paid by Defendant, including all members of the R & R Fleet Maintenance Control Group.

8. The Fund uses a nominal annual rate of 7.5%, equal to the Fund's actuarial return rate in figuring interest.

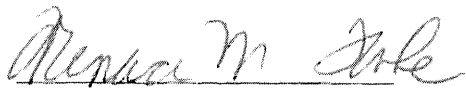
9. The total amount of interest due on the principal amount of withdrawal liability from the December 1, 2008 due date of the first missed payment through October 21, 2009, at the nominal annual rate of 7.5% is \$1,975.17. The total of the principal amount of withdrawal liability of \$30,613.00 and the interest amount of \$1,975.17 is \$32,588.17. This amount is the amount of withdrawal liability due from Defendants and all members of the R & R Fleet Maintenance Control Group.

10. I suffer from no infirmities and am competent to testify regarding the above matters, if called as a witness in this proceeding.

STATE OF Illinois
COUNTY OF Cook


DONALD H. ALCOTT

SUBSCRIBED AND SWORN TO
before me this 14th day
of October, 2009.


Notary Public