

# EXHIBIT D

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

CENTRAL STATES, SOUTHEAST AND )  
SOUTHWEST AREAS PENSION FUND, )  
and HOWARD MCDOUGALL, trustee, )

and )

CENTRAL STATES, SOUTHEAST AND )  
SOUTHWEST AREAS HEALTH AND )  
WELFARE FUND and HOWARD )  
McDOUGALL, trustee, )

Plaintiffs, )

v. )

INDIANA EARTH, INC., )  
an Indiana corporation, )

Defendant. )

Case No. 10 C 201

Judge Hart

Magistrate Judge Mason

**AFFIDAVIT OF REBECCA K. MCMAHON**

State of Illinois    )  
                          ) SS  
County of Cook     )

I, Rebecca K. McMahon, having been duly sworn on oath, depose and state as follows:

1. I am an attorney employed by the Central States, Southeast and Southwest Areas Pension Fund and the Central States, Southeast and Southwest Areas Health and Welfare Fund (the "Funds") and am familiar with the pending litigation.

2. I have reviewed the Plaintiffs' billing records and have determined that the billable work performed in connection with this case was performed by myself and George

O. Hansen, a paralegal.

3. I graduated from the Valparaiso University School of Law in 2006. I was admitted to the bar of the State of Illinois on November 9, 2006 and admitted to practice in the United States District Court for the Northern District of Illinois on January 11, 2007.

4. George O. Hansen is a litigation paralegal employed by the Pension Fund.

5. The amount of time spent on this case by myself and George O. Hansen, along with our hourly billable rates, are set forth below:

Rebecca K. McMahon	14 hours x \$170.00
George O. Hansen	2.0 hours x \$140.00

6. Based upon my experience in similar cases, I believe that the above rates are at or below the market rate charged for similar legal work and therefore, are reasonable. I also believe that the amount of time spent by each individual on this case is reasonable. On that basis, the total of legal fees incurred in this matter is \$2,660.00.

7. The legal services are briefly summarized as follows: review file, preparation of complaint, appearances, and summons; review affidavits of service; several court appearances; multiple telephone conferences with Defendant regarding missed payments; and preparation of motion for entry of judgment, including supporting affidavits, exhibits, and proposed judgment order.

8. Plaintiffs have also incurred the following costs in connection with this litigation:

Filing Fee	\$350.00
Service of Process	<u>170.00</u>
Total	<u>\$520.00</u>

9. I believe that the aforementioned legal fees and costs were necessarily incurred and are reasonable in amount.

**FURTHER AFFIANT SAYETH NOT.**

  
Rebecca K. McMahon

Subscribed and sworn to before me,  
a Notary Public, this 22<sup>nd</sup> day of  
October, 2010.

  
\_\_\_\_\_  
Notary Public  
