

EXHIBIT D

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

FOODWORKS USA, INC.,)
)
 Plaintiff,)
) NO. 10-CV-1020
 v.)
)
 FOODWORKS OF ARLINGTON HEIGHTS, LLC,))
)
 Defendant.)

AFFIDAVIT OF KEVIN K. McCORMICK

I, KEVIN K. McCORMICK, first being duly sworn on oath, depose and state as follows:

1. I am an associate in the law firm of DEWALD LAW GROUP PC f/k/a RIEBANDT & DEWALD, P.C., which was retained by the Defendant, Foodworks of Arlington Heights, LLC, to defend this case and prosecute its Counterclaim. On or about December 21, 2012, Riebandt & DeWald, P.C. dissolved, and the resulting law firm of DeWald Law Group PC was formed. Lee DeWald, principal of the DeWald Law Group PC, and I have maintained the representation of Foodworks of Arlington Heights, LLC throughout the entirety of the matter.

2. I have personal knowledge of the facts set forth herein and could competently testify thereto if I was sworn as a witness in this cause.

3. I have been licensed as an attorney in the State of Illinois since November 2005. The hourly billing rate for this client was Two Hundred Sixty and 00/100ths (\$260.00) Dollars an hour billed in quarter hour increments through December of 2012, and Two Hundred Eighty and 00/100ths (\$280.00) Dollars billed in quarter hour increments beginning January 1, 2013. These rates are comparable to the billing rates of lawyers with Eight (8) years experience in the Northern District of Illinois.


4. From August 29, 2012 until the date of filing this Affidavit, I, and the attorneys of

my firm, billed Forty and 1/2 (40.5) hours rendering a fee of Eleven Thousand, One Hundred Fifteen and 00/100ths (\$11,115.00) Dollars. A detailed printout of the work performed is attached hereto as Exhibit 1.



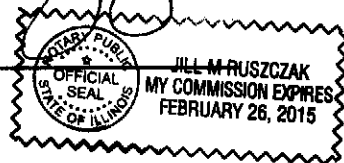
KEVIN K. McCORMICK

SUBSCRIBED and SWORN to before
me this ~~26th~~ day of September, 2013.



Notary Public

My commission expires:



Time Entries

Date	User	Reference	Description	Time	Rate	Total
09/26/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: to finalize motion for damages	2.50	\$280.00	\$700.00
09/24/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Phone call with client: regarding Motion for Damages; to edit and revise Motion for Damages	0.75	\$280.00	\$210.00
09/20/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: Motion for damages	2.50	\$280.00	\$700.00
09/18/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Court Appearance: on settlement status/scheduling; briefing schedule for motion for damages entered; hearing 11/6/13; letter to client	1.50	\$280.00	\$420.00
08/05/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review Pleading: Motion to Reconsider by FUSA	0.25	\$280.00	\$70.00
07/23/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft document: finalize damages letter to court; to prepare atty fees affidavit	1.50	\$280.00	\$420.00
07/22/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft document: continue drafting prove up letter	2.00	\$280.00	\$560.00
07/19/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft document: letter to judge for prove up	1.00	\$280.00	\$280.00
07/18/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Court Appearance: on status; continued to 8/2/13 for conference on damages	1.50	\$280.00	\$420.00
07/02/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review document: Memorandum Opinion by Court; to series of phone calls with client regarding same	1.25	\$280.00	\$350.00
04/01/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review Pleading; response to rule to show cause	0.25	\$280.00	\$70.00
02/26/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Revise Pleading: finalize Reply to Motion for Judgment	0.25	\$280.00	\$70.00
02/25/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Revise Pleading: Reply to Motion for Judgment	0.50	\$280.00	\$140.00
02/21/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review Pleading: response to Motion for Default; to draft reply to same	2.50	\$280.00	\$700.00
02/14/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Office Conference: regarding extension of time to respond	0.25	\$280.00	\$70.00
02/12/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review Pleading: Motion to file Instanter	0.25	\$280.00	\$70.00
01/22/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: Finalize points and authorities.	2.50	\$280.00	\$700.00

Date	User	Reference	Description	Time	Rate	Total
01/21/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: Continue drafting points and authorities.	2.00	\$280.00	\$560.00
01/18/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: Begin drafting points and authorities.	2.00	\$280.00	\$560.00
01/14/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: finalize Motion for Default Judgment.	0.50	\$280.00	\$140.00
01/11/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Draft pleading: Draft Motion for Default Judgment.	1.50	\$280.00	\$420.00
01/08/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review discovery: of amended responses.	0.50	\$280.00	\$140.00
01/04/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review Pleading: Appeal documents; telephone conference regarding same.	0.75	\$280.00	\$210.00
01/03/ 2013	Kevin McCormick	Foodworks of Arlington Heights	Review Pleading: Notice of Appeal.	0.50	\$280.00	\$140.00
12/04/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to receipt and review of memorandum opinion; to email client re same; to office conference re motion to reconsider denial of attorney fees	0.75	\$260.00	\$195.00
10/29/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to phone conference with client re status of ruling on motions	0.25	\$280.00	\$70.00
10/17/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to phone conference with client re appointment of new judge and timing for ruling on pending motions	0.25	\$260.00	\$65.00
10/16/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to phone conference with client re reply to motion to reconsider filed by FUSA	0.25	\$260.00	\$65.00
10/15/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to receipt and review of reply to mtn to vacate	0.25	\$260.00	\$65.00
09/25/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to draft response to mtn to vacate	2.00	\$260.00	\$520.00
09/24/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to receipt and review of order denying motion for conference; to office conference re: same; to research local court rules regarding court calls and appointment of magistrates	1.50	\$260.00	\$390.00
09/24/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to research FRCP 59(e) and time fram for motion to vacate	1.50	\$260.00	\$390.00
09/17/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to cont. research of FRCP 59(e) and case law for motion to vacate	2.50	\$260.00	\$650.00
09/12/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to receipt and review of minute order regarding motion to vacate; to office conference re: same	1.00	\$260.00	\$260.00
09/11/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to receipt of motion to vacate and motion for conference	0.25	\$260.00	\$65.00

Date	User	Reference	Description	Time	Rate	Total
09/10/ 2012	Kevin McCormick	Foodworks of Arlington Heights	to receipt and review of motion for extension of time	0.25	\$260.00	\$65.00
09/05/ 2012	Kevin McCormick	Foodworks of Arlington Heights	To receipt and review of motion for extension of time by FUSA; to phone conference with client regarding same	0.50	\$260.00	\$130.00
08/30/ 2012	Kevin McCormick	Foodworks of Arlington Heights	To receipt and review of minute orders regarding motion to clarify and motion for attorney fees	0.25	\$260.00	\$65.00
				40.50		\$11,115.00