

**EXHIBIT A**

**HILDA L. SOLIS**

v.

**IMG PRODUCTS CORPORATION and JOHN PLANTON, Individually**

File No. 1:10-cv-01983

**DECLARATION OF INVESTIGATOR IN SUPPORT  
OF SECRETARY OF LABOR'S MOTION FOR JUDGMENT BY DEFAULT**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>HILDA L. SOLIS</b> , Secretary of Labor, United States Department of Labor,	)	
	)	<b>CIVIL ACTION</b>
	)	
Plaintiff,	)	File No.: 1:10-cv-01983
	)	
v.	)	
	)	<b>Honorable George W. Lindberg, Judge</b>
<b>IMG PRODUCTS CORPORATION</b>	)	
and <b>JOHN PLANTON</b> , Individually,	)	<b>Honorable Maria Valdez, Magistrate Judge</b>
	)	
Defendants.	)	

**DECLARATION OF INVESTIGATOR IN SUPPORT  
OF SECRETARY OF LABOR'S MOTION FOR JUDGMENT BY DEFAULT**

**RICHARD W. PRATT** states as follows:

1. I make this Declaration based upon personal knowledge of the facts and circumstances relevant to this matter and, if called, would testify to the facts provided herein.
  
2. I am and, at all times hereinafter mentioned, have been employed by the Wage and Hour Division, United States Department of Labor as an Investigator in the Chicago, Illinois District Office.
  
3. For the period between March 8, 2008 and April 25, 2009, I conducted an investigation of the wages, hours, and other conditions and practices of employment maintained by defendants **IMG PRODUCTS CORPORATION f/k/a ILLINOIS MACHINING GROUP, ILLINOIS MACHINING GROUP INC., and IMG PRODUCTS COMPANY and JOHN PLANTON**, Individually, (defendants) in the above-styled action, for the purpose of determining whether defendants were in compliance with the provisions of the Fair Labor Standards Act of 1938, as Amended (29 U.S.C. § 201, et seq.), hereinafter called the Act.

4. As a result of the aforesaid investigation which included a review of defendants' records, interviews and obtaining of other relevant information, I determined that:

(a) Defendant **IMG PRODUCTS CORPORATION** f/k/a **ILLINOIS MACHINING GROUP, ILLINOIS MACHINING GROUP INC.,** and **IMG PRODUCTS COMPANY** is and at all times hereinafter mentioned was a corporation with an office and a place of business at 14753 Greenwood Road, Dolton, Cook County, IL within the jurisdiction of this Court, and is and at all times hereinafter mentioned was engaged under the name and style of **IMG PRODUCTS CORPORATION** in the manufacturing of metal couplings, fittings, screws, etc. and in the performance of related types of activities.

(b) Defendant **IMG PRODUCTS CORPORATION** f/k/a **ILLINOIS MACHINING GROUP, ILLINOIS MACHINING GROUP INC.,** and **IMG PRODUCTS COMPANY** is and at all times hereinafter mentioned was an enterprise engaged in related activities performed through unified operation or common control for a common business purpose within the meaning of section 3(r) of the Act.

(c) Defendant **IMG PRODUCTS CORPORATION** f/k/a **ILLINOIS MACHINING GROUP, ILLINOIS MACHINING GROUP INC.,** and **IMG PRODUCTS COMPANY** is and at all times hereinafter mentioned was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of section 3(s)(1)(A) of the Act in that said enterprise at all times hereinafter mentioned had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has and has had an annual gross volume of sales made or business done of not less than \$500,000.

(d) Defendant **JOHN PLANTON**, an individual, resides at 3712 Pitzen Road, Johnsburg, McHenry County, IL, within the jurisdiction of this court, and at all times hereinafter mentioned acted directly or indirectly in the interest of the corporate defendant in relation to its employees through his involvement in the daily operations and management of the corporate defendant.

(e) During the relevant period, defendants employed employees, who in workweeks were engaged in commerce or in the production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, by paying their employees wages at rates less than \$5.85 per hour prior to July 24, 2008 and at rates less than \$6.55 per hour after July 24, 2008. Defendants failed to pay wages to employees in certain workweeks between March 8, 2008 and April 25, 2009 resulting in employees receiving less than the statutory minimum.

(f) During the relevant period, defendants employed employees who in workweeks were engaged in commerce or in the production of goods for commerce, or who were employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than forty hours without compensating said employees for their employment in excess of forty hours during such workweeks at rates not less than one and one-half times the regular rates at which they were employed. Defendants failed to pay wages to employees in certain workweeks between March 8, 2008 and April 25, 2009 resulting in employees not receiving their regular wage rate and overtime compensation for hours worked over forty in a work week.

(g) As a result of the pay practices described in subparagraph (e) of this paragraph, defendants violated 29 U.S.C. § 206 of the Act by failing to pay minimum wages to 35

employees in the amount of \$49,170.21 and as a result of the pay practices described in subparagraph (f) of this paragraph, defendants violated 29 U.S.C. § 207 of the Act by failing to pay overtime compensation to two (2) of their employees in the amount of \$2,785.89 for a total back wage amount owed of \$51,956.10 as set forth in Exhibit 1, attached hereto and incorporated herein by reference. Liquidated damages are requested to be awarded in an amount equal to the back wages due of \$51,956.10 for distribution to defendants' employees as well as an injunction enjoining defendants from violating the Act in the future.

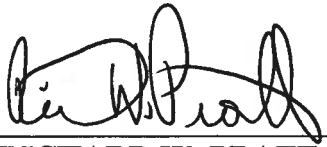
4. On information and belief, neither defendant is and at all times herein mentioned was an infant or incompetent person or person in the military service of the United States.

5. I read the Complaint filed in the above-styled action, know the contents thereof, and believe the allegations therein are true.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: 9/22/2010

  
RICHARD W. PRATT

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**EXHIBIT 1**

**EMPLOYEE BACK WAGE AMOUNTS FOR  
IMG PRODUCTS CORPORATION and JOHN PLANTON, Individually**

<b><u>NAME</u></b>	<b><u>GROSS WAGES</u></b>	<b><u>LIQUIDATED DAMAGES</u></b>	<b><u>TOTAL</u></b>
Bennett, Jimmy D.	\$ 786.00	\$ 786.00	\$1,572.00
Berry, Carnel	\$1,557.26	\$1,557.26	\$3,114.52
Boomsma, Larry	\$1,048.00	\$1,048.00	\$2,096.00
Christensen, Linda	\$ 786.00	\$ 786.00	\$1,572.00
Coleman, James	\$ 939.93	\$ 939.93	\$1,879.86
Coleman, Ronald	\$ 451.95	\$ 451.95	\$ 831.90
DeBeneditto, Antonio	\$1,048.00	\$1,048.00	\$2,096.00
Durr, Mearon	\$1,834.00	\$1,834.00	\$3,668.00
Edwards, Napoleon	\$ 646.81	\$ 646.81	\$1,293.62
Friedericks, Jannie	\$1,463.93	\$1,463.93	\$2,927.86
Friedericks, William	\$1,817.21	\$1,817.21	\$3,634.42
Garcia, Antonio	\$2,161.50	\$2,161.50	\$4,323.00
Garcia, Letticia	\$1,441.00	\$1,441.00	\$2,882.00
Guzman, Beverly	\$ 301.30	\$ 301.30	\$ 602.60
Hernandez, Humberto	\$1,251.05	\$1,251.05	\$2,502.10
Larios, Jose	\$1,336.20	\$1,336.20	\$2,672.40
Lindley, Lynette C.	\$ 769.63	\$ 769.63	\$1,539.26
Maldonado, Bonifacio	\$1,041.45	\$1,041.45	\$2,082.90
Marley, Robert	\$ 239.08	\$ 239.08	\$ 478.16
Meunier, Donald	\$ 114.63	\$ 114.63	\$ 229.26
Ninos, Candido	\$1,673.53	\$1,673.53	\$3,347.06
Ornelas, Sylvia	\$ 280.01	\$ 280.01	\$ 560.02
Ozmin, Robbie	\$2,263.03	\$2,263.03	\$4,526.06
Pegues, Heather	\$1,653.88	\$1,653.88	\$3,307.76
Perez, Jose	\$1,765.23	\$1,765.23	\$3,530.46
Pursley, Kenneth	\$3,193.88	\$3,193.88	\$6,387.76
Quijano, Cruz	\$4,723.33	\$4,723.33	\$9,446.66
Raimondo, Michael	\$3,612.00	\$3,612.00	\$7,224.00
Robinson, Steve	\$2,620.00	\$2,620.00	\$5,240.00
Staples, Jeff	\$1,375.17	\$1,375.17	\$2,750.34
Stewart, Randy	\$3,846.00	\$3,846.00	\$7,692.00
Syed, Ali	\$ 234.00	\$ 234.00	\$ 468.00
Ulaszek, Christy	\$ 396.28	\$ 396.28	\$ 792.56
Varnado, Marcus	\$ 402.83	\$ 402.83	\$ 805.66
Walnoha, James	<u>\$2,882.00</u>	<u>\$2,882.00</u>	<u>\$5,764.00</u>
<b>TOTALS</b>	<b>\$51,956.10</b>	<b>\$51,956.10</b>	<b>\$103,912.20</b>