

07-01-11JWL151745-3

65100-1349LIT5031

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

JAMES T. SULLIVAN, not individually but as Trustee of)
PLUMBERS' PENSION FUND, LOCAL 130, U.A.,)
etc., et al.)

Plaintiffs,)

v.)

ASPEN PLUMBING COMPANY, INC.,)

Defendant.)

No. 10 C 2793

Judge Robert M. Dow, Jr.

Magistrate Judge Sidney I. Schenkier

AFFIDAVIT OF JOHN W. LOSEMAN

State of Illinois)
) ss.
County of Cook)

John W. Loseman hereby deposes and states:

1. I am of adult age and otherwise competent to make this Affidavit. All statements herein are made on my personal knowledge.
2. I am an attorney licensed to practice, *inter alia*, within the State of Illinois and before the United States District Court for the Northern District of Illinois. I am currently responsible for representing Plaintiffs in the captioned action.
3. I am a partner in the law firm of LEWIS, OVERBECK AND FURMAN, LLP ("Firm"), 20 N. Clark Street, Suite 3200, Chicago, Illinois. All attorneys and paralegals who represented Plaintiffs in this action were partners in, associated with, or employed by, Firm.
4. In the course of their representation of Plaintiffs, the attorneys and paralegals of Firm made contemporaneous daily time entries. This Affidavit is based on Affiant's personal knowledge of this case and review of Firm's daily time entries itemizing the time actually spent

by attorneys and paralegals of Firm in the course of this matter, along with certain costs paid for or incurred on the account of Plaintiffs herein. Affiant will provide to the Court a copy of Firm's time and expense entries for the subject period at the Court's request. The hours and expenses itemized herein are in addition to, and not duplicative of, the hours and expenses itemized in the affidavit of John W. Loseman (Doc. 7-3) supporting Plaintiffs' motion for judgment on count one of the original complaint (Doc. 7), which were awarded as part of the Judgment dated July 29, 2010. (Doc. 11).

5. Throughout this case, Firm has charged its normal and customary hourly charges for legal services rendered to Plaintiffs in this action. Firm's normal and customary hourly charges are reasonable within the Chicago area legal community, and are paid by other clients of Firm.

6. "DAL" in the time entries designates attorney Douglas A. Lindsay, a partner in Firm. DAL has been licensed to practice law in the State of Illinois since 1976, and is a member of the U.S. Supreme Court, the U.S. Court of Appeals for the Seventh Circuit, and the U.S. District Courts for the N.D. Illinois, C.D. Illinois, E.D. Wisconsin, and N.D. Indiana. DAL has extensive experience in ERISA and LMRA matters, including enforcement of and compliance with labor agreements, and enforcement of benefit fund contribution obligations. In the course of this matter through June 30, 2011, DAL provided 6.5 hours of legal services to Plaintiffs at the rate of \$300.00 per hour, for a total of \$1,950.00.

7. "RCP" in the time entries designates Robert C. Parizek, a paralegal since 2007 employed by Firm. In the course of this matter through June 30, 2011, RCP provided 5.9 hours of services to Plaintiffs at the rate of \$85.00 per hour, for a total of \$501.50.

8. Affiant, John W. Loseman, ("JWL") has been licensed to practice law in the State of Illinois since 1989, and is a member of the U.S. Supreme Court, the U.S. Court of Appeals for

the Seventh Circuit, and the U.S. District Courts for the N.D. Illinois, C.D. Illinois, and N.D. Indiana. JWL has considerable experience in ERISA and LMRA matters, including enforcement of and compliance with labor agreements, and enforcement of benefit fund contribution obligations. In the course of this matter through June 30, 2011, JWL provided 62.1 hours of legal services to Plaintiffs at the rate of \$255.00 per hour for a total of \$15,835.50.

9. In addition to attorneys' and paralegals' fees, Plaintiffs incurred charges for the following through May 31, 2011: \$60.00 for computerized docketing and case tracking service; and \$143.71 for postage costs and photocopy expenses, \$38.00 for recorder's fees, and \$38.50 for electronic research and records, for a total of \$280.21. Each of these charges was incurred in connection with this case, and is not a usual office overhead expense. These charges are billed separately by Firm to its clients.

10. The sum of the above-described fees is \$18,287.00, and the sum of the above-described costs and expenses is \$280.21, for a total of \$18,567.21.

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

Dated: July 1, 2011

/s/ John W. Loseman

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