

05-25-11JWL151746-3

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 JAMES KEMPERAS

State of Illinois)
) ss.
County of Cook)

James Kemperas hereby deposes and states as follows:

1. My name is James Kemperas. I am of adult age and otherwise competent to make this Affidavit. All statements herein are made on my personal knowledge.

2. I am Senior Manager- Compliance Audits with the certified public accounting firm of Legacy Professionals LLP, 311 S. Wacker Drive, Suite 4000, Chicago, Illinois 60606.

3. At the request of the Trustees of various Funds affiliated with Chicago Journeymen Plumbers' Local Union 130, U.A. ("Union"), Legacy conducts audits of plumbing contractors to determine if said contractors are in compliance with the contribution and/or deduction provisions of applicable collective bargaining agreements with Union.

4. Pursuant to the foregoing arrangements with the Trustees, Legacy conducted a compliance audit of the records pertaining to Aspen Plumbing Company, Inc., covering the period from January 1, 2007, through May 31, 2010. Legacy subsequently issued its

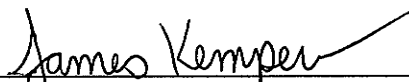
Compliance Report to the Trustees, Plumbers' Benefit Funds, Local 130, U.A., dated November 12, 2010, setting forth the results of the compliance audit ("Audit Report").

5. As set forth in the Audit Report, the compliance audit revealed that \$23,481.76 in contributions, deductions, liquidated damages, and interest was due for the period through November 30, 2010. After November 30, 2010, additional interest accrued at the rate of \$215.59 per month.

6. The amount charged by Legacy for completing said compliance audit totals \$5,183.00.

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

Dated: May 26, 2011



James Kemperas