

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

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)
Plaintiffs,)
v.)
THOMSEN ELECTRICAL SERVICE, INC.,)
Defendant.)

Case No. 11 CV 3313
Judge Hart
Magistrate Judge Finnegan

AFFIDAVIT OF JEAN MASHOS

STATE OF ILLINOIS)
))
COUNTY OF COOK)

Jean Mashos being first duly sworn on oath, deposes and states as follows:

1. I am the Director of the Field Department, employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Thomsen Electrical Service, Inc. (the "Company"). This affidavit is submitted in support of the Laborers' Funds' motion for prove up of damages.

2. Thomsen Electrical Service, Inc, has been a signatory employer since August 4,

2010, as reflected by the Funds' records and as is shown in the collective bargaining agreement which was attached to the Complaint as Exhibit A, which is a true and correct copy of the agreement between the Company and the Construction and General Laborers' District Council of Chicago and Vicinity and its affiliated local ("Union"), on file with the Funds.

3. The Company submitted its books and records to the Funds' designated auditors from the firm of Richard J. Wolf & Company, Inc., who prepared an audit report reflecting unpaid contributions owed for the period from August 4, 2010 through August 31, 2011. The report showed principal contributions owed to the Welfare, Pension, Training, CAICA, LDCLMCC and LECET funds, and for Union dues in the total amount of \$2,705.02. A copy of the audit report is attached to Plaintiffs' motion for prove up damages as Exhibit B.

4. Based on Mr. Thomsen's objections, I agreed, on behalf of the Funds, to revise down the audit and waive the findings for October of 2010 and January of 2011. However, I refused, on behalf of the Funds, to waive 14.5 unreported hours in August of 2010 which amounts to a total of \$302.90 in principal contributions owed to the Funds. As such, I prepared a revised audit summary report which is attached to Plaintiffs' motion for prove up damages as Exhibit C.

5. The respective Agreements and Declarations of Trust of the Laborers Funds, to which Thomsen Electrical Service, Inc., is bound, require payment of liquidated damages in the amount of 20 percent of the principal amount of delinquent contributions to the Welfare, Pension, and Training funds. Therefore, liquidated damages are owed in the amount of \$56.99 based on delinquent contributions to those funds. The same agreements establish that liquidated damages are due the amount of 10 percent of the principal amount of delinquent contributions to the LDCLMCC, CAICA and LECET funds, and for Union dues. Therefore, liquidated damages are owed in the

amount of \$ 1.79 based on delinquent contributions to those funds and Union dues. Interest is owed at the rate of 12 percent on all delinquent amounts owed from the date of the delinquency forward. Therefore, the amount of \$46.92 in interest is owed. The specific basis for these amounts are detailed in my revised audit summary report. (See Exhibit C to plaintiffs' motion for prove up damages).

6. Audit costs for the work performed by Richard J. Wolf & Company, Inc., charged to the Laborers' Funds in this matter are \$600.00, as shown in the audit report (See Exhibit B to plaintiff's motion for prove up damages). The respective Agreements and Declarations of Trust of the Laborers' Funds, to which Thomsen Electrical Service, Inc. are bound, require that it pay these audit costs.


Jean Mashos,
Field Department Director

Subscribed and sworn to before me
this 23 day of January 2012


NOTARY PUBLIC

