

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
)
Plaintiffs,)
) 12 CV 03694
v.)
) Judge Castillo
IMPERIUM, LLC, an Illinois limited liability)
company,)
)
Defendant.)

**PLAINTIFFS' MOTION TO PROVE UP
DAMAGES AND FOR FINAL JUDGMENT**

Plaintiffs, the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION
FUND, *ET AL.* (collectively "Trust Funds"), by their attorney Kevin P. McJessey, hereby move
this Court pursuant to Federal Rule of Civil Procedure 55 to enter final judgment against
IMPERIUM, LLC, a now-dissolved Illinois limited liability company ("Defendant"). In support
of their motion, Trust Funds state as follows:

1. This Court entered an order of default against Defendant on September 23, 2014.
See Exhibit A, Order dated September 23, 2014.
2. Trust Funds hereby submit this petition to prove up damages and for entry of final
judgment against Defendant.
3. The amount owed by Defendant is \$113,220.32 as follows:
 - A. \$75,524.70 in unpaid contributions pursuant to the audit; *see* Decl. of J. Libby, ¶5, Exhibit B;
 - B. \$1,242.00 for auditor's fees incurred by the Trust Funds to complete the
audit of Defendant's books and records; *see* Decl. of J. Libby, ¶7,
Exhibit B;

- C. \$8,650.01 in interest under ERISA on the amount that is due; *see* 29 U.S.C. § 1132(g)(2)(B); 29 U.S.C. § 1132(g)(2)(C); *see* Decl. of J. Libby, ¶6, Exhibit B;
 - D. \$15,104.93 in liquidated damages; *see* Decl. of J. Libby, ¶6, Exhibit B; and
 - E. \$12,698.68 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D); *see* McJessey Decl., ¶4, Exhibit C.
4. A draft order is attached as Exhibit D.

WHEREFORE, Plaintiffs the Chicago Regional Council of Carpenters' Fund *et al.* hereby move this Court to enter judgment in their favor and against Defendant, IMPERIUM, LLC, in the amount of \$113,220.32 as follows:

- A. \$75,524.70 in unpaid contributions pursuant to the audit;
- B. \$1,242.00 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$8,650.01 in interest under ERISA on the amount that is due;
- D. \$15,104.93 in liquidated damages;
- E. \$12,698.68 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D);
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order; and
- G. such other relief as this Court deems appropriate.

CHICAGO REGIONAL COUNCIL OF
CARPENTERS PENSION FUND *et al.*

By: s/ Kevin P. McJessey
One of their attorneys

Kevin P. McJessey
MCJESSEY, CHING & THOMPSON, LLC
3759 North Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260

CERTIFICATE OF SERVICE

I, Kevin P. McJessy, an attorney, certify that I caused the foregoing **Plaintiffs' Motion to Prove Up Damages and for Final Judgment** be served upon

Imperium, LLC
c/o Tina Harbin, Registered Agent
6615 S. Yale
Chicago, IL 60621

via U.S. Mail, postage prepaid, deposited in the United States Mail Depository located at 3759 N. Ravenswood, Chicago, Illinois on this 8th day of October 2014.

s/ Kevin P. McJessy
Kevin P. McJessy

12 CV 03694
Exhibit A

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

Chicago Regional Council of Carpenters)	
Pension Fund, <i>et al.</i> ,)	
)	Case No: 12 C 3694
Plaintiffs)	
)	
v.)	
)	Judge: Ruben Castillo
Imperium, LLC,)	
)	
Defendant)	

ORDER

Motion hearing held on 9/23/2014. Defendant's motion to withdraw as counsel of record [40] is granted. Keenan J. Saulter of Saulter Tarver P.C. is granted leave to withdraw his appearance. Plaintiffs' motion for reinstatement [34] is granted. On the Court's own motion, the defendant is hereby defaulted for failure to timely answer or otherwise plead to the complaint. The Court will retain jurisdiction to enter an appropriate judgment in a sum certain.

(T: 0:05)

Date: September 23, 2014

/s/ Chief Judge Ruben Castillo

12 CV 03694
Exhibit B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
)
Plaintiffs,)
) 12 CV 03694
v.)
)
IMPERIUM, LLC, an Illinois limited liability) Judge Castillo
company,)
)
Defendant.)

DECLARATION OF JOHN LIBBY

I, John Libby, hereby declare under penalty of perjury pursuant to the laws of the United States, that the statements set forth herein are true and correct to the best of my knowledge, information and belief.

1. I am the Manager, Audits & Collections for the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program, and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively “the Trust Funds”).

2. As part of my duties, I am responsible for managing the collection of contributions for medical, pension and other benefits due from numerous employers pursuant to collective bargaining agreements between the employers and the Chicago and Northeast Illinois Regional Council of Carpenters (“Union”).

3. Imperium, LLC, an Illinois limited liability company (“Defendant”), is an employer bound by the collective bargaining agreement with the Union. Pursuant to the collective bargaining agreement, Defendant is also bound by the declarations of trust establishing

the Trust Funds (collectively “Trust Agreements”). Pursuant to the collective bargaining agreement and the Trust Agreements, Defendant is required to pay fringe benefit contributions to the Trust Funds for work performed by Defendant’s employees and non-union subcontractors performing work falling within the jurisdiction of the Union.

4. Pursuant to the collective bargaining agreement and Trust Agreements, Defendant is required to submit to a periodic review of its books and records in order to verify the accuracy of the contributions reported and paid to the Trust Funds. In October 2011, the Trust Funds directed Legacy Professionals, LLP (“Legacy”) to conduct a review of Defendant’s fringe benefit contributions to the Trust Funds.

5. Defendant produced records to Legacy. Legacy prepared a report of Defendant’s fringe benefit contributions to the Trust Funds based on Legacy’s review of the records produced by Defendant. Legacy delivered a copy of its report to the Trust Funds. The Trust Funds maintain a copy of Legacy’s audit report in their files as part of their ordinary course of business. A copy of the audit report prepared by Legacy after its review of records produced by Defendant is attached as Exhibit B-1. According to the audit report and based on the records produced by Defendant to Legacy, Defendant owes \$75,524.70 in unpaid fringe benefit contributions to the Trust Funds.

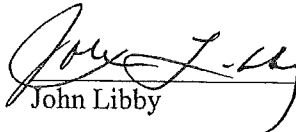
6. Summaries of the updated calculations of accrued interest and liquidated damages as of October 1, 2014 are attached hereto as Exhibit B-2. Defendant owes \$8,650.01 in unpaid interest calculated pursuant to 26 U.S.C. §6621 and \$15,104.93 in unpaid liquidated damages calculated in accordance with the Trust Agreements.

7. The Trust Funds paid Legacy \$1,242.00 as auditors’ fees for Legacy to conduct its review of Defendant’s books and records and to prepare the audit report.

8. The Trust Funds made demand on Defendant to pay the amount due but Defendant failed and/or refused to pay the amount owed to the Trust Funds. Because Defendant failed to comply with the terms of the collective bargaining agreement and the Trust Agreements, the Trust Funds have had to employ the services of attorney McJessy Ching & Thompson, LLC. As a result, the Trust Funds incurred attorneys' fees and costs.

9. I have reviewed the Trust Funds' records for the audit of Defendant's fringe benefit contributions and therefore I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER AFFIANT SAYETH NOT.

 10/2/14
John Libby Date

12 CV 03694

Exhibit B-1

Discrepancy Summary By Month

Account Number:	24950	Audit Period:	July 1, 2010 through September 30, 2011
Employer:	Imperium, LLC	Contact:	Tina Harbin
Address:	6615 S Yale Ave Chicago, IL 60621	Title:	Partner
Phone:	(773) 874-5661	Page:	1 of 14

Reporting Period	Discrepancy Total Hours	Discrepancy Benefit Hours	Contribution Rate	Discrepancy Amount																								
July 2010		638.00	22.32	\$14,240.16																								
August 2010		276.25	22.32	\$6,165.90																								
September 2010		52.50	22.32	\$1,171.80																								
October 2010		24.50	22.32	\$546.84																								
November 2010		157.25	22.32	\$3,509.82																								
January 2011		164.25	22.32	\$3,666.06																								
March 2011		110.50	22.32	\$2,466.36																								
June 2011	936.00	936.00	24.32	\$22,763.52																								
July 2011	837.00	837.00	24.32	\$20,355.84																								
August 2011	(8.00)	(8.00)	24.32	(\$194.56)																								
September 2011		34.25	24.32	\$832.96																								
<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%;">Total Hours</td> <td style="width: 15%;">1,765.00</td> <td style="width: 15%;">Benefit Hours</td> <td style="width: 15%;">3,222.50</td> <td style="width: 20%;"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Discrepancy Amount</td> <td>\$75,524.70</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Liquidated Damages</td> <td>\$11,477.93</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Total Amount Due</td> <td>\$87,002.63</td> </tr> </table>						Total Hours	1,765.00	Benefit Hours	3,222.50						Discrepancy Amount	\$75,524.70					Liquidated Damages	\$11,477.93					Total Amount Due	\$87,002.63
	Total Hours	1,765.00	Benefit Hours	3,222.50																								
				Discrepancy Amount	\$75,524.70																							
				Liquidated Damages	\$11,477.93																							
				Total Amount Due	\$87,002.63																							

Discrepancy Summary By Error Type

Account Number:	24950	Audit Period:	July 1, 2010 through September 30, 2011
Employer:	Imperium, LLC	Contact:	Tina Harbin
Address:	6615 S Yale Ave Chicago, IL 60621	Title:	Partner
Phone:	(773) 874-5661	Page:	2 of 14

Code	Description	Dollar Amount
SIGNATORY EMPLOYER: PAYROLL		
P1	Clerical Error	(\$194.56)
P1T	Clerical Error	\$2,140.16
P3T	Omission	\$7,198.72
P11T	No Record Identified as Carpenter Not Reported	\$33,780.48
SIGNATORY EMPLOYER: CASH DISBURSEMENTS		
CD41A	Non-signatory Subcontractor 100% Labor Factor	\$13,979.44
CD41B	Non-signatory Subcontractor 100% Labor Factor	\$18,620.46
Sub-Total Discrepancies From All Listed Codes		\$75,524.70
Liquidated Damages		\$11,477.93
Total Amount Due		\$87,002.63

Liquidated Damages Schedule

Account Number:	24950	Audit Period:	July 1, 2010 through September 30, 2011
Employer:	Imperium, LLC	Contact:	Tina Harbin
Address:	6615 S Yale Ave Chicago, IL 60621	Title:	Partner
Phone:	(773) 874-5661	Page:	3 of 14

Reporting Period	Contributions Due	Compounding Periods	Calculating Percentage	Total Liquidated Damages Owed
July 2010	\$14,240.16	19.00		
August 2010	\$6,165.90	18.00	20.00%	\$2,848.03
September 2010	\$1,171.80	17.00	20.00%	\$1,233.18
October 2010	\$546.84	16.00	20.00%	\$234.36
November 2010	\$3,509.82	15.00	20.00%	\$109.37
January 2011	\$3,666.06	13.00	20.00%	\$701.96
March 2011	\$2,466.36	11.00	20.00%	\$733.21
June 2011	\$22,763.52	8.00	17.79%	\$438.77
July 2011	\$20,355.84	7.00	12.65%	\$2,879.59
August 2011	(\$194.56)		10.98%	\$2,235.07
September 2011	\$832.96	5.00	7.73%	\$64.39
Total Discrepancies				
	\$75,524.70			
Total Damages this Schedule				\$11,477.93
20% of Discrepancies				\$15,104.94
Assessed Damages				\$11,477.93

Monthly Detail Report

Account Number: 24950 Audit Period: July 1, 2010 through September 30, 2011
 Employer: Imperium, LLC Month: July 2010
 Address: 6615 S Yale Ave Page #: 4 of 14
 Chicago, IL 60621
 Phone: (773) 874-5661

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *				Capped Hours	Total Hour Difference	Benefit Hour Difference							
					W/E 02-Jul	W/E 09-Jul	W/E 16-Jul	W/E 23-Jul				W/E 30-Jul	Total Hours					
1	Unidentified Subcontractor	CD41B	0.00	0.00	0.00	117.75	162.00	171.75	186.50	638.00	0.00	638.00						
Total											0.00	117.75	162.00	171.75	186.50	638.00	0.00	638.00

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950 **Audit Period:** July 1, 2010 through September 30, 2011
Employer: Imperium, LLC **Month:** August 2010
Address: 6615 S Yale Ave
 Chicago, IL 60621
Phone: (773) 874-5661 **Page #:** 5 of 14

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 06-Aug	W/E 13-Aug	W/E 20-Aug	W/E 27-Aug				
1	Unidentified Subcontractor	CD41B	0.00	0.00	196.25	0.00	0.00	0.00	196.25	0.00	0.00	196.25
1	Unidentified Subcontractor	CD41A	0.00	0.00	0.00	80.00	0.00	0.00	80.00	0.00	0.00	80.00
Total					196.25	80.00	0.00	0.00	276.25	0.00	0.00	276.25

Total Items Listed in this Period: 2.00

Monthly Detail Report

Account Number: 24950 Audit Period: July 1, 2010 through September 30, 2011
 Employer: Imperium, LLC Month: September 2010
 Address: 6615 S Yale Ave Page #: 6 of 14
 Chicago, IL 60621
 Phone: (773) 874-5661

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *				Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 03-Sep	W/E 10-Sep	W/E 17-Sep	W/E 24-Sep			
1.	Unidentified Subcontractor	CD41A	0.00	0.00	0.00	0.00	0.00	52.50		0.00	52.50
Total			0.00	0.00	0.00	0.00	52.50	52.50	0.00	0.00	52.50

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950	Audit Period: July 1, 2010 through September 30, 2011
Employer: Imperium, LLC	Month: October 2010
Address: 6615 S Yale Ave	Page #: 7 of 14
Chicago, IL 60621	
Phone: (773) 874-5661	

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				W/E 29-Oct	Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 01-Oct	W/E 08-Oct	W/E 15-Oct	W/E 22-Oct					
1	Unidentified Subcontractor	CD41A	0.00	0.00	0.00	24.50	0.00	0.00	0.00	24.50	0.00	0.00	24.50
Total			0.00	0.00	24.50	0.00	0.00	0.00	0.00	24.50	0.00	0.00	24.50

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950

Employer: Imperium, LLC
 Address: 6615 S Yale Ave
 Chicago, IL 60621
 Phone: (773) 874-5661

Audit Period: July 1, 2010 through September 30, 2011

Month: November 2010

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Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* Actual Hours Per Week *				Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 05-Nov	W/E 12-Nov	W/E 19-Nov	W/E 26-Nov				
1	Unidentified Subcontractor	CD41A	0.00	0.00	122.75	8.50	26.00	0.00	157.25		0.00	157.25
Total					122.75	8.50	26.00	0.00	157.25		0.00	157.25

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950

Employer: Imperium, LLC
 Address: 6615 S Yale Ave
 Chicago, IL 60621
 Phone: (773) 874-5661

Audit Period: July 1, 2010 through September 30, 2011

Month: January 2011

Page #: 9 of 14

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 07-Jan	W/E 14-Jan	W/E 21-Jan	W/E 28-Jan				
1	Unidentified Subcontractor	CD41A	0.00	0.00	0.00	164.25	0.00	0.00	164.25		0.00	164.25
Total			0.00	0.00	164.25	0.00	0.00	0.00	164.25		0.00	164.25

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950	Audit Period: July 1, 2010 through September 30, 2011
Employer: Imperium, LLC	Month: March 2011
Address: 6615 S Yale Ave Chicago, IL 60621	Page #: 10 of 14
Phone: (773) 874-5661	

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 04-Mar	W/E 11-Mar	W/E 18-Mar	W/E 25-Mar				
1	Unidentified Subcontractor	CD41A	0.00	0.00	0.00	110.50	0.00	0.00	110.50		0.00	110.50
Total			0.00	0.00	110.50	0.00	0.00	110.50		0.00	0.00	110.50

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950 Audit Period: July 1, 2010 through September 30, 2011
 Employer: Imperium, LLC Month: June 2011
 Address: 6615 S Yale Ave Page #: 11 of 14
 Chicago, IL 60621
 Phone: (773) 874-5661

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week				Capped Hours	Total Hour Difference	Benefit Hour Difference	
					W/E 03-Jun	W/E 10-Jun	W/E 17-Jun	W/E 24-Jun				Total Hours
[REDACTED]	Aguilar, Ramon	P11T	0.00	0.00	0.00	24.00	40.00	48.00		112.00	112.00	
[REDACTED]	CONTRERAS JUAN C	P1T	80.00	80.00	40.00	32.00	24.00	48.00		64.00	64.00	
[REDACTED]	Contreras, Jaime	P11T	0.00	0.00	0.00	0.00	32.00	40.00		72.00	72.00	
[REDACTED]	HARBIN CAMERON C	P3T	0.00	0.00	8.00	32.00	0.00	32.00		72.00	72.00	
[REDACTED]	Hernandez, Genaro	P11T	0.00	0.00	16.00	32.00	40.00	48.00		136.00	136.00	
[REDACTED]	Lopez, Juan	P11T	0.00	0.00	0.00	24.00	40.00	48.00		112.00	112.00	
[REDACTED]	Mata, Hector	P11T	0.00	0.00	0.00	24.00	40.00	48.00		112.00	112.00	
[REDACTED]	Mata, Martin	P11T	0.00	0.00	40.00	24.00	40.00	48.00		152.00	152.00	
[REDACTED]	Pinto, Jenaro	P11T	0.00	0.00	16.00	32.00	0.00	32.00		80.00	80.00	
[REDACTED]	SANCHEZ MIGUEL	P1T	120.00	120.00	40.00	32.00	24.00	48.00		24.00	24.00	
Total					160.00	256.00	280.00	440.00	0.00	1,136.00	936.00	936.00

Total Items Listed in this Period: 10.00

Monthly Detail Report

Account Number: 24950 Audit Period: July 1, 2010 through September 30, 2011
 Employer: Imperium, LLC Month: July 2011
 Address: 6615 S Yale Ave Page #: 12 of 14
 Chicago, IL 60621
 Phone: (773) 874-5661

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week							Total Hours	Capped Hours	Total Hour Difference	Benefit Hour Difference
					W/E 01-Jul	W/E 08-Jul	W/E 15-Jul	W/E 22-Jul	W/E 29-Jul	Total Hours					
[REDACTED]	Aguilar, Ramon	P11T	0.00	0.00	40.00	40.00	24.00	0.00	0.00	0.00	104.00		104.00	104.00	
[REDACTED]	CONTRERAS JUAN C	P3T	0.00	0.00	40.00	40.00	32.00	0.00	0.00	0.00	112.00		112.00	112.00	
[REDACTED]	Contreras, Jaime	P11T	0.00	0.00	40.00	21.00	0.00	0.00	0.00	0.00	61.00		61.00	61.00	
[REDACTED]	Hernandez, Genaro	P11T	0.00	0.00	40.00	40.00	32.00	0.00	0.00	0.00	112.00		112.00	112.00	
[REDACTED]	Lopez, Juan	P11T	0.00	0.00	40.00	40.00	32.00	0.00	0.00	0.00	112.00		112.00	112.00	
[REDACTED]	Mata, Hector	P11T	0.00	0.00	40.00	40.00	32.00	0.00	0.00	0.00	112.00		112.00	112.00	
[REDACTED]	Mata, Martin	P11T	0.00	0.00	40.00	40.00	32.00	0.00	0.00	0.00	112.00		112.00	112.00	
[REDACTED]	SANCHEZ MIGUEL	P3T	0.00	0.00	40.00	40.00	32.00	0.00	0.00	0.00	112.00		112.00	112.00	
Total					320.00	301.00	216.00	0.00	0.00	0.00	837.00		837.00	837.00	

Total Items Listed in this Period: 8.00

Monthly Detail Report

Account Number: 24950

Employer: Imperium, LLC
 Address: 6615 S Yale Ave
 Chicago, IL 60621
 Phone: (773) 874-5661

Audit Period: July 1, 2010 through September 30, 2011

Month: August 2011

Page #: 13 of 14

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	Actual Hours Per Week		Capped Hours	Total Hour Difference	Benefit Hour Difference
					Month	Total Hours			
	AGUILAR JR CARLO	P1	160.00	160.00	152.00	152.00		(8.00)	(8.00)
Total			152.00	0.00	0.00	0.00	152.00	(8.00)	(8.00)

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 24950 Audit Period: July 1, 2010 through September 30, 2011
 Employer: Imperium, LLC Month: September 2011
 Address: 6615 S Yale Ave Page #: 14 of 14
 Chicago, IL 60621
 Phone: (773) 874-5661

Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * *				Capped Hours	Total Hour Difference	Benefit Hour Difference
					Actual Hours Per Week	Month	Total Hours	Hour Difference			
1	Unidentified Subcontractor	CD41A	0.00	0.00	34.25				34.25	0.00	34.25
Total			34.25	0.00	0.00	0.00	0.00	0.00	34.25	0.00	34.25

Total Items Listed in this Period: 1.00

12 CV 03694

Exhibit B-2

Interest & Damages Summary

Account Number: 24950

Calculation Date: October 1, 2014

Employer: Imperium LLC
 Address: 6615 South Yale Avenue
 Chicago, Illinois 60621

Reporting Period	Delinquency Amount	Interest	Liquidated Damages	Total Due
July 2010	\$14,240.16	\$2,006.74	\$2,848.03	\$19,094.93
August 2010	\$6,165.90	\$845.05	\$1,233.18	\$8,244.13
September 2010	\$1,171.80	\$156.26	\$234.36	\$1,562.42
October 2010	\$546.84	\$70.81	\$109.37	\$727.02
November 2010	\$3,509.82	\$441.65	\$701.96	\$4,653.43
January 2011	\$3,666.06	\$438.84	\$733.21	\$4,838.11
March 2011	\$2,466.36	\$280.29	\$493.27	\$3,239.92
June 2011	\$22,763.52	\$2,336.88	\$4,552.70	\$29,653.10
July 2011	\$20,355.84	\$2,015.15	\$4,071.17	\$26,442.16
August 2011	(\$194.56)	(\$18.54)	(\$38.91)	(\$252.01)
September 2011	\$832.96	\$76.88	\$166.59	\$1,076.43
Totals	\$75,524.70	\$8,650.01	\$15,104.93	\$99,279.64

12 CV 03694
Exhibit C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
)
Plaintiffs,)
) 12 CV 03694
v.)
) Judge Castillo
IMPERIUM, LLC, an Illinois limited liability)
company,)
)
Defendant.)

DECLARATION OF KEVIN P. MCJESSY

I, Kevin P. McJessey, hereby declare, under penalty of perjury pursuant to the laws of the United States, that the following statements are true:

1. I am one of the attorneys representing the Chicago Regional Council of Carpenters Pension Fund, the Chicago Regional Council of Carpenters Welfare Fund, the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program, and the Labor/Management Union Carpentry Cooperation Promotion Fund (collectively “the Trust Funds”) in the above-captioned lawsuit (“Lawsuit”) against IMPERIUM, LLC, an Illinois limited liability company (“Defendant”).

2. I have been licensed to practice law in the State of Illinois and the United States District Court for the Northern District of Illinois since 1995. I am an attorney with McJessey, Ching & Thompson, LLC (“MC&T”).

3. As part of my practice, I handle claims under ERISA. I personally represented the Trust Funds in this Lawsuit. I have represented the Trust Funds in this Lawsuit since its inception.

4. The Trust Funds have incurred \$12,698.68 in fees and expenses to compel Defendant to comply with its obligations under the terms of the Collective Bargaining Agreement and applicable trust agreements. A redacted copy of the billing statement from MC&T from the inception of this Lawsuit to the present, redacted to protect privileged communications, is attached as Exhibit C-1. The detailed billing statement describes in detail all work performed by MC&T in this matter.

a) The Trust Funds have collectively incurred fees totaling \$11,436.00 for 72.1 hours of attorney services. The substantially reduced hourly rate for attorneys at MC&T for Trust Funds matters is \$160.00 per hour.

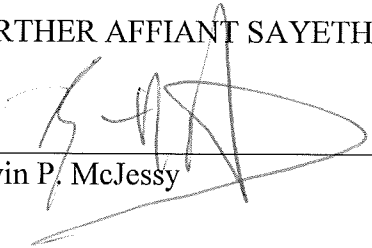
b) The Trust Funds have collectively incurred fees totaling \$312.00 for 5.2 hours of paralegal time. The substantially reduced hourly rate for paralegals at MC&T for Trust Fund matters is \$60.00 per hour.

c) The Trust Funds incurred \$950.68 in expenses for the filing fee, process server charges for service of summons and subpoenas, legal research charges, courier charges, photocopy charges and postage charges.

5. The attorneys' fees, paralegal fees and costs charged to the Trust Funds in this matter are consistent with MC&T's regular charges for services to the Trust Funds on similar matters and are substantially reduced from MC&T for other clients.

6. I have personal knowledge of the matters stated in this affidavit and could testify competently to them.

FURTHER AFFIANT SAYETH NOT.


Kevin P. McJessy

Date

12 CV 03694

Exhibit C-1

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
5/10/2012	Lawyer: KM 1.40 Hrs X 160.00	Reviewed audit referral file to assess merits of referral. (.9) Prepared complaint. (.5)	KM	1.40	224.00	0.00
5/14/2012	Lawyer: SK 0.70 Hrs X 60.00	Prepared civil cover sheet, appearance and summons (.2). Filed complaint, civil cover sheet and appearance with court (.3). Reviewed court notice re: judge and magistrate assignments, completed summons as appropriate, and prepared correspondence to court clerk forwarding summons for issuance (.2)	SK	0.70	42.00	0.00
5/15/2012	Lawyer: SK 0.20 Hrs X 60.00	Prepared email correspondence to process server forwarding summons, complaint and 5/15/12 order for service. Prepared email ██████████ to J. Libby and N. Lagalo. Updated open file report to add court filing information.	SK	0.20	12.00	0.00
5/15/2012	Lawyer: KM 0.10 Hrs X 0.00	Reviewed correspondence from S. Keating to J. Libby and N. Lagalo ██████████. [NO CHARGE]	KM	0.10	0.00	0.00
5/15/2012	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Castillo entering judgment on audit and ordering parties to cooperate on amount due.	KM	0.10	16.00	0.00
5/22/2012	Lawyer: SK 0.20 Hrs X 60.00	Reviewed email from process server re Imperium's registered agent refusing to open door for service of summons and complaint and confer with K. McJessey re: same. Prepared alias summons for Imperium LLC, prepared email correspondence to court clerk for issuance of summons, and prepared email correspondence to process server forwarding alias summons for service with complaint upon an LLC member.	SK	0.20	12.00	0.00
5/22/2012	Lawyer: KM 0.10 Hrs X 0.00	Reviewed correspondence from S. Keating to N. Lagalo ██████████. [NO CHARGE]	KM	0.10	0.00	0.00
5/31/2012	Expense Recovery	Photocopy Recovery		0.00	0.00	5.04
6/4/2012	Lawyer: KM 0.20 Hrs X 60.00	Reviewed process server's affidavit of service and filed same along with summons with court.	KM	0.20	12.00	0.00
6/4/2012	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF notice for return of service of summons.	KM	0.10	16.00	0.00
6/5/2012	Billing on Invoice 6744				0.00	0.00
6/13/2012	Midwest Investigations	Process Server recovery - Service of Summons, Complaint and 5/15/12 Court Order		0.00	0.00	85.00
6/21/2012	Capital One Services	Filing Fee		0.00	0.00	350.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
6/21/2012	Lawyer: KM 0.40 Hrs X 160.00	Telephone call from P. Jaquez asking for adjusted audit report and intent to seek extension of time to answer complaint. Prepared correspondence to P. Jaquez forwarding same. Reviewed correspondence from P. Jaquez acknowledging receipt and advising no response yet on request for extension of time from court's clerk. (.1) Reviewed ECF court order of Judge Castillo granting defendant until 7/23/12 to answer complaint. (.1) Prepared correspondence to P. Jaquez forwarding order and following up on how quickly his client can respond to the audit. (.1) Reviewed correspondence from P. Jaquez requesting additional documents and forwarding document related to promissory note which Imperium claims is the basis for the cash payments; reviewed promissory note. (.1)	KM	0.40	64.00	0.00
6/26/2012	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from H. Bailey following up on request for information about basis for the audit.	KM	0.10	16.00	0.00
7/6/2012	Billing on Invoice 6780	FEES 306.00 DISBS 5.04			0.00	0.00
7/9/2012	Lawyer: KM 0.20 Hrs X 160.00	Telephone call with P. Jaquez regarding whether promissory note was sufficient to address audit findings. (.1) Prepared correspondence to N. Lagalo [REDACTED] [REDACTED] [REDACTED]. (.1)	KM	0.20	32.00	0.00
7/10/2012	Lawyer: KM 0.30 Hrs X 160.00	Telephone call with N. Lagalo regarding [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. (.2) Telephone call with P. Jaquez responding that the Trust Funds will not adjust the audit based on information provided to date. (.1)	KM	0.30	48.00	0.00
7/10/2012	Lawyer: KM 0.40 Hrs X 160.00	Prepared correspondence to N. Lagalo [REDACTED] [REDACTED]. (.1) Prepared draft demand letter to P. Jaquez; reviewed [REDACTED] from N. Lagalo, audit report and LDs and interest summary as necessary to prepare demand letter. (.3)	KM	0.40	64.00	0.00
7/11/2012	Lawyer: SK 0.10 Hrs X 60.00	Prepared correspondence to N. Lagalo and J. Libby [REDACTED] [REDACTED]	SK	0.10	6.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
7/23/2012	Lawyer: KM 0.20 Hrs X 160.00	Reviewed answer to complaint filed by Imperium, LLC.	KM	0.20	32.00	0.00
7/24/2012	Lawyer: KM 0.20 Hrs X 160.00	Reviewed answer filed by Defendant. Reviewed correspondence from J. Libby [REDACTED]	KM	0.20	32.00	0.00
7/27/2012	Billing on Invoice 6823	FEES 108.00 DISBS 435.00			0.00	0.00
7/30/2012	Lawyer: KM 0.20 Hrs X 160.00	Telephone call with P. Jaquez regarding settlement offer and Trust Funds' rejection of same. Prepared correspondence to P. Jaquez confirming settlement offer rejected and need to set schedule for Rule 26(f) conference.	KM	0.20	32.00	0.00
7/31/2012	Expense Recovery	Photocopy Recovery		0.00	0.00	2.76
8/13/2012	Chicago Regional Council of Carpenters - Audits	PMT -		0.00	0.00	0.00
8/24/2012	Billing on Invoice 6854	FEES 694.00 DISBS 2.76			0.00	0.00
9/4/2012	Lawyer: KM 0.20 Hrs X 160.00	Confer with J. Sopata regarding [REDACTED] [REDACTED] [REDACTED]	KM	0.20	32.00	0.00
9/4/2012	Lawyer: ATT 1.70Hrs X 160.00	Drafted Rule 26(a) disclosures.	ATT	1.70	272.00	0.00
9/6/2012	Lawyer: ATT 0.30Hrs X 160.00	Continued drafting Rule 26(a) disclosures.	ATT	0.30	48.00	0.00
9/12/2012	Lawyer: ATT 1.70Hrs X 160.00	Drafted Rule 30(b)(6) deposition notice (.9) and drafted written discovery (.8).	ATT	1.70	272.00	0.00
9/14/2012	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
9/18/2012	Expense Recovery	Postage Recovery		0.00	0.00	1.05
9/18/2012	Lawyer: KM 0.30 Hrs X 160.00	Telephone call from P. Jaquez advising of intent to withdraw, whether we have any objection. Reviewed motion by counsel for Imperium to withdraw as counsel. Reviewed correspondence from P. Jaquez to Judge Castillo's proposed order email forwarding proposed order; and, reviewed proposed order.	KM	0.30	48.00	0.00
9/19/2012	Lawyer: KM 1.40 Hrs X 160.00	Reviewed and revised interrogatories and document requests to Imperium, made final revisions and issued same.	KM	1.40	224.00	0.00
9/30/2012	Expense Recovery	Photocopy Recovery		0.00	0.00	6.84

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
10/8/2012	Billing on Invoice 6948				0.00	0.00
10/8/2012	Lawyer: ATT 2.10Hrs X 160.00	Drafted motion for default after attorneys withdrew including declarations of K. McJessy and J. Libby.	ATT	2.10	336.00	0.00
10/17/2012	Lawyer: KM 0.30 Hrs X 160.00	Telephone call with Jim Taylor (773) 731-1970 regarding outstanding discovery, his appearance on behalf of Imperium and settlement offer. (.2) Reviewed correspondence from J. Taylor confirming no dispute over amounts due for purposes of reaching settlement. (.1)	KM	0.30	48.00	0.00
10/19/2012	Lawyer: KM 0.20 Hrs X 160.00	Reviewed motion by K. Saulter to appear as counsel for Imperium. (.2)	KM	0.20	32.00	0.00
10/23/2012	Lawyer: KM 0.20 Hrs X 160.00	Telephone call with N. Lagalo for [REDACTED]. Reviewed correspondence from N. Lagalo [REDACTED].	KM	0.20	32.00	0.00
10/24/2012	Lawyer: KM 0.20 Hrs X 160.00	Reviewed correspondence from N. Lagalo regarding [REDACTED]. Revised declaration of J. Libby. Prepared correspondence to J. Libby and N. Lagalo [REDACTED]. (.2) Reviewed motion by Imperium for leave to have an attorney appear in its behalf. (.1)	KM	0.20	32.00	0.00
10/24/2012	Lawyer: KM 0.20 Hrs X 0.00	Reviewed correspondence from N. Lagalo regarding [REDACTED]. Revised declaration. Prepared correspondence to N. Lagalo [REDACTED]. [NO CHARGE]	KM	0.20	0.00	0.00
10/24/2012	Lawyer: KM 0.60 Hrs X 160.00	Prepared correspondence to K. Saulter forwarding prior correspondence from James Taylor, seeking direction on his clients' intentions in defending the lawsuit, and summarizing total damages; reviewed file documents as necessary to prepare correspondence to K. Saulter. (.5)Reviewed and responded to correspondence from K. Saulter regarding discovery matters and rejection of request for further extension of time. (.1)	KM	0.60	96.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
10/25/2012	Lawyer: KM 0.10 Hrs X 160.00	Telephone call with J. Libby regarding [REDACTED]	KM	0.10	16.00	0.00
10/26/2012	Expense Recovery	Postage Recovery		0.00	0.00	0.65
10/26/2012	Lawyer: KM 1.00 Hrs X 160.00	Prepared Rule 26(a) disclosures; reviewed file materials as necessary to prepare disclosures.	KM	1.00	160.00	0.00
10/29/2012	Billing on Invoice 6980	FEES 896.00 DISBS 7.89			0.00	0.00
10/31/2012	Expense Recovery	Photocopy Recovery		0.00	0.00	1.92
11/7/2012	Lawyer: KM 1.30 Hrs X 160.00	Appeared in court for status hearing and hearing on defendant's motion for leave for counsel to appear.	KM	1.30	208.00	0.00
11/7/2012	Lawyer: KM 1.30 Hrs X 160.00	Appeared in court before Judge Castillo regarding counsel's motion for leave to appear. (.1.2) Post-hearing conference with counsel for defendant as to whether defendant intends to comply with discovery requests and no assurance of same. (.1)	KM	1.30	208.00	0.00
11/9/2012	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Castillo granting leave to appear and setting status hearing for 12/18/12.	KM	0.10	16.00	0.00
11/20/2012	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
11/28/2012	Lawyer: ATT 0.90Hrs X 160.00	Review of record and drafted motion to compel discovery responses.	ATT	0.90	144.00	0.00
12/4/2012	Lawyer: KM 0.10 Hrs X 160.00	Prepared correspondence to K. Saulter responding to his request for Plaintiff's Rule 30(b)(6) documents.	KM	0.10	16.00	0.00
12/5/2012	Lawyer: SK 0.50 Hrs X 60.00	Reviewed Judge Castillo's website for motion practice and scheduling and prepared notice of motion to compel. (.1) Filed motion to compel and notice of motion with court (.3). Prepared correspondence to Judge Castillo forwarding courtesy copies of same (.1).	SK	0.50	30.00	0.00
12/5/2012	Lawyer: KM 0.20 Hrs X 160.00	Final review and edits to motion to compel.	KM	0.20	32.00	0.00
12/6/2012	Billing on Invoice 7088	FEES 752.00 DISBS 2.57			0.00	0.00
12/7/2012	Lawyer: ATT 1.00Hrs X 160.00	Discussion with K. McJessey and initial drafting of first requests to admit.	ATT	1.00	160.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
12/11/2012	Lawyer: ATT 4.50Hrs X 160.00	Compiled Rule 26(a) documents including checking for privileged documents and putting on disk (1.0); continued drafting first set of requests to admit based on certified payroll (3.5).	ATT	4.50	720.00	0.00
12/12/2012	Lawyer: KM 1.30 Hrs X 160.00	Appeared in court before Judge Castillo for hearing on motion to compel. (1.2) Prepared correspondence to K .Saulter regarding intent to deliver 30(b)(6) documents to him in court this morning but because he failed to show documents will be mailed to him. (.1)	KM	1.30	208.00	0.00
12/12/2012	Expense Recovery	Postage Recovery		0.00	0.00	1.30
12/16/2012	Lawyer: ATT 2.00Hrs X 160.00	Completed drafting of first set of requests to admit based on certified payroll which totaled approximately 412 individual requests.	ATT	2.00	320.00	0.00
12/18/2012	Expense Recovery	Postage Recovery		0.00	0.00	4.90
12/18/2012	Lawyer: ATT 0.40Hrs X 160.00	Final review and modification of first set of requests to admit.	ATT	0.40	64.00	0.00
12/21/2012	Lawyer: KM 0.20 Hrs X 160.00	Reviewed and responded to correspondence from K. Saulter asking for time to respond to admission requests until 2/11/13. Reviewed and responded to correspondence from K. Saulter regarding extension of time to respond to discovery ordered to be produced by 12/24/12.	KM	0.20	32.00	0.00
12/27/2012	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
12/28/2012	Lawyer: KM 0.10 Hrs X 160.00	Prepared correspondence to K. Saulter following up on discovery responses due by 12/24/12 extended to today by agreement.	KM	0.10	16.00	0.00
12/31/2012	Expense Recovery	Photocopy Recovery		0.00	0.00	37.68

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
1/3/2013	Lawyer: KM 1.80 Hrs X 160.00	Appeared in court for hearing before Judge Castillo on status of Defendant's compliance with Court's order compelling discovery responses; order entered that compliance is due by 1/17/13 under penalty of bar of defenses. (.1.3) Reviewed ECF court order of Judge Castillo regarding hearing on 1/3/13. (.1) Prepared proposed draft order and submitted same to Court per electronic filing. (.4)	KM	1.80	288.00	0.00
1/4/2013	Lawyer: KM 0.20 Hrs X 160.00	Reviewed ECF court order of Judge Castillo ordering discovery compliance by 1/17/13 under penalty of barring defenses. (.1) Prepared correspondence to N. Lagalo [REDACTED] (.1)	KM	0.20	32.00	0.00
1/7/2013	Billing on Invoice 7179	FEES 576.00			0.00	0.00
1/17/2013	US Messenger & Logistics	Courier Recovery		0.00	0.00	14.60
1/18/2013	Billing on Invoice 7276	FEES 1598.00 DISBS 43.88			0.00	0.00
1/18/2013	Lawyer: KM 0.30 Hrs X 160.00	Reviewed correspondence from K. Saulter forwarding discovery responses; brief initial review of discovery responses. (.3)	KM	0.30	48.00	0.00
1/24/2013	Chicago Regional Council of Carpenters - Audits	PMT -		0.00	0.00	0.00
1/28/2013	Lawyer: KM 1.20 Hrs X 160.00	Reviewed Imperium's responses to discovery requests (interrogatories and document requests); reviewed documents produced by Imperium. (.4) Started drafting motion to bar defenses based on Imperium's failure to comply with the Court's January 17th order. (.8) Prepared correspondence to N. Lagalo and J. Libby [REDACTED] (.1)	KM	1.20	192.00	0.00
1/29/2013	Lawyer: KM 2.10 Hrs X 160.00	Further revised motion to bar defenses; reviewed file materials including correspondence as necessary to complete drafting motion. (.1.3) Prepared rider for subpoena to JLL, LLC / Jerry L. Lewis, party on promissory note with Imperium. (.4) Reviewed Illinois Secretary of State records regarding entities affiliated with JLL, LLC. (.4)	KM	2.10	336.00	0.00
1/31/2013	Expense Recovery	Photocopy Recovery		0.00	0.00	12.48

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
2/5/2013	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
2/6/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from N. Lagalo [REDACTED] [REDACTED]	KM	0.10	16.00	0.00
2/6/2013	Lawyer: KM 3.20 Hrs X 160.00	Prepared motion to bar Imperium from asserting defenses to audit claim based on its failure to comply with discovery requests and conducted online review of case authority that defendant is barred from asserting defenses for failing to comply with discovery; reviewed file documents as necessary to put together factual information for motion. (3.2)	KM	3.20	512.00	0.00
2/8/2013	Lawyer: KM 3.10 Hrs X 160.00	Revised motion to bar Imperium from asserting defenses to audit based on its failure to comply with the court's January 13, 2013 order compelling defendant to produce discovery; started preparing summary of payroll documents produced based on persons reported in contribution reports to show that not all payroll documents were produced; records missing for at least two months. (1.8) Reviewed online record information for JLL, LLC, an apparent nonexistent entity and for companies owned by Jerry L. Lewis; prepared subpoena riders for subpoenas to JLL Construction Services, Inc. and to Jerry Lewis. (1.3)	KM	3.10	496.00	0.00
2/8/2013	Lawyer: SK 1.00 Hrs X 60.00	Prepared document subpoenas to JLL Construction and Jerry Lewis (.2). Prepared email correspondences to process server and to defense counsel forwarding copies of document subpoenas (.2). Prepared notice of motion for motion to bar defenses and filed same with notice of motion with court (.4). Prepared correspondence to Judge Castillo forwarding courtesy copies of motion and notice (.2).	SK	1.00	60.00	0.00
2/14/2013	Lawyer: SK 1.20 Hrs X 60.00	Reviewed Judge Castillo's motion procedures and schedule and prepared notice of motion to bar defenses (.2). Filed motion to bar defenses with exhibits and several conferences with ECF clerks re: same (.4). Filed notice of motion (.2). Prepared correspondence to Judge Castillo forwarding courtesy copies of same (.2).	SK	1.20	72.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
2/14/2013	Lawyer: KM 0.80 Hrs X 160.00	Final review and revisions to motion to bar Imperium from asserting defenses to audit based on its failure to comply with Court's order granting Trust Funds' motion to compel; and assembled additional exhibits.	KM	0.80	128.00	0.00
2/18/2013	Lawyer: KM 0.30 Hrs X 160.00	Telephone call with N. Lagalo regarding [REDACTED] [REDACTED] [REDACTED] [REDACTED] Reviewed correspondence from N. Lagalo [REDACTED] [REDACTED]	KM	0.30	48.00	0.00
2/20/2013	Billing on Invoice 7356	FEES 896.00 DISBS 27.08			0.00	0.00
2/21/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Castillo entering and continuing motion to 2/28/13.	KM	0.10	16.00	0.00
2/25/2013	Lawyer: KM 0.10 Hrs X 160.00	Several attempts to reach counsel for JLL, LLC / Jerry Lewis regarding subpoena.	KM	0.10	16.00	0.00
2/26/2013	Lawyer: KM 0.10 Hrs X 160.00	Several attempts to reach Charles Pinkston, counsel for JLL, LLC / Jerry Lewis regarding subpoena (312) 578-1957.	KM	0.10	16.00	0.00
2/27/2013	Lawyer: KM 0.20 Hrs X 160.00	Telephone call with counsel for J. Lewis regarding subpoena, advising KPM that there was no loan, there are no documents and Mr. Lewis has no idea what this is about, although he does know the owner of Imperium.	KM	0.20	32.00	0.00
2/28/2013	Midwest Investigations	Process Server recovery - Service of Document Subpoena on JLL Construction and Jerry Lewis		0.00	0.00	85.00
2/28/2013	Lawyer: KM 1.90 Hrs X 160.00	Reviewed motion and exhibits to prepare for hearing; appeared in court before Judge Castillo for motion to bar defenses due to Imperium's failure to fully respond to discovery. (1.8) Reviewed court order of Judge Castillo setting briefing schedule. (.1)	KM	1.90	304.00	0.00
2/28/2013	Expense Recovery	Photocopy Recovery		0.00	0.00	16.32

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
3/1/2013	Lawyer: KM 1.60 Hrs X 160.00	Reviewed documents, including audit, promissory note and discovery requests, as necessary to draft Rule 30(b)(6) deposition notice to Imperium LLC. (.1.2) Reviewed notice of suggestion of bankruptcy from Imperium; prepared correspondence to client forwarding notice of bankruptcy and summarizing possible fraud issues to explore with Bruce Scalabrino to exempt Trust Funds' claim in bankruptcy from discharge. (.4)	KM	1.60	256.00	0.00
3/4/2013	Lawyer: KM 1.10 Hrs X 160.00	Telephone call with J. Libby regarding [REDACTED] [REDACTED] [REDACTED] [REDACTED] (.3) Reviewed correspondence from J. Libby to KPM and B. Scalabrino regarding [REDACTED] [REDACTED] Reviewed correspondence from B. Scalabrino [REDACTED] [REDACTED] (.1) Reviewed correspondence from C. Muniz [REDACTED]; reviewed attached bankruptcy documents. (.2) Reviewed correspondence from J. Libby [REDACTED] (.1) Reviewed correspondence from B. Scalabrino regarding [REDACTED] [REDACTED]. Prepared correspondence to B. Scalabrino [REDACTED] (.1) Telephone call with B. Scalabrino [REDACTED] [REDACTED] (.3)	KM	1.10	176.00	0.00
3/5/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed court order of Judge Castillo dismissing case without prejudice due to bankruptcy filing.	KM	0.10	16.00	0.00
3/7/2013	LexisNexis	Legal Research		0.00	0.00	48.02
3/8/2013	Lawyer: KM 0.80 Hrs X 160.00	Reviewed notice of meeting of creditors. Prepared correspondence to J. Libby, N. Lagalo, C. Muniz and B. Scalabrino [REDACTED] (.1) Telephone call with C. Muniz [REDACTED] [REDACTED] (.2) Reviewed correspondence from C. Muniz [REDACTED] [REDACTED] (.1) Reviewed correspondence from C. Muniz [REDACTED] [REDACTED] [REDACTED] (.1) Started drafting declaration of Jerry Lewis confirming information relayed by his counsel. (.3)	KM	0.80	128.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
3/11/2013	Chicago Regional Council of Carpenters	PMT -		0.00	0.00	0.00
3/14/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from C. Muniz regarding [REDACTED], briefly reviewed motion.	KM	0.10	16.00	0.00
3/20/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from C. Muniz regarding [REDACTED]	KM	0.10	16.00	0.00
3/21/2013	US Messenger & Logistics	Courier Recovery		0.00	0.00	14.60
3/22/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from C. Muniz regarding [REDACTED]	KM	0.10	16.00	0.00
3/25/2013	Lawyer: KM 0.80 Hrs X 160.00	Revised record requests for bankruptcy purposes. Prepared correspondence to C. Muniz [REDACTED]	KM	0.80	128.00	0.00
3/26/2013	Lawyer: KM 0.50 Hrs X 160.00	Telephone call with C. Muniz regarding [REDACTED] (.2) Reviewed file materials and prepared correspondence to C. Muniz [REDACTED] (.3)	KM	0.50	80.00	0.00
3/27/2013	Billing on Invoice 7426	FEES 1716.00 DISBS 101.32			0.00	0.00
4/1/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from C. Muniz regarding [REDACTED]; reviewed same.	KM	0.10	16.00	0.00
4/11/2013	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
4/18/2013	Billing on Invoice 7489	FEES 832.00 DISBS 62.62			0.00	0.00
4/18/2013	Lawyer: KM 0.30 Hrs X 160.00	Reviewed and responded to correspondence from C. Muniz regarding [REDACTED] Reviewed and responded to correspondence from C. Muniz [REDACTED]	KM	0.30	48.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
4/19/2013	Lawyer: KM 0.20 Hrs X 160.00	Reviewed correspondence from J. Libby to C. Muniz [REDACTED] [REDACTED] Prepared correspondence to C. Muniz [REDACTED] [REDACTED] [REDACTED] [REDACTED]	KM	0.20	32.00	0.00
4/22/2013	Lawyer: KM 0.40 Hrs X 160.00	Reviewed correspondence from J. Libby [REDACTED] [REDACTED] [REDACTED] [REDACTED] Reviewed correspondence from C. Muniz regarding [REDACTED] [REDACTED] [REDACTED]; briefly reviewed bank statements.	KM	0.40	64.00	0.00
4/25/2013	PACER	PACR		0.00	0.00	0.40
4/26/2013	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
4/29/2013	Lawyer: KM 0.10 Hrs X 0.00	Reviewed correspondence from C. Muniz regarding [REDACTED] [REDACTED] Exchanged correspondence setting call for tomorrow. [NO CHARGE]	KM	0.10	0.00	0.00
4/30/2013	Lawyer: KM 1.20 Hrs X 160.00	Reviewed correspondence from C. Muniz [REDACTED] [REDACTED], reviewed affidavit. Telephone call with J. Libby, N. Lagalo, B. Scalabrino and C. Muniz regarding [REDACTED] [REDACTED] [REDACTED] Telephone call from J. Libby [REDACTED] [REDACTED] [REDACTED]. Exchange numerous correspondence with C. Muniz regarding [REDACTED] [REDACTED].	KM	1.20	192.00	0.00
5/6/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from B. Scalabrino regarding [REDACTED] [REDACTED].	KM	0.10	16.00	0.00
5/13/2013	Lawyer: KM 0.10 Hrs X 160.00	Telephone call with B. Scalabrino regarding [REDACTED] [REDACTED].	KM	0.10	16.00	0.00
5/17/2013	Billing on Invoice 7557	FEES 352.00 DISBS 0.40			0.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
5/24/2013	Lawyer: KM 0.40 Hrs X 160.00	Reviewed correspondence from J. Libby to B. Scalabrino [REDACTED] [REDACTED]. Reviewed and responded to correspondence from B. Scalabrino [REDACTED]; reviewed file materials to produce documents.	KM	0.40	64.00	0.00
5/28/2013	Lawyer: KM 0.20 Hrs X 160.00	Reviewed and responded to and exchanged correspondence from B. Scalabrino regarding [REDACTED].	KM	0.20	32.00	0.00
6/5/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed and responded to correspondence from B. Scalabrino [REDACTED].	KM	0.10	16.00	0.00
6/10/2013	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
6/17/2013	Lawyer: KM 5.70 Hrs X 160.00	Reviewed materials related to T. Harbin's deposition. Appeared at offices B. Scalabrino for deposition of T. Harbin.	KM	5.70	912.00	0.00
6/20/2013	Billing on Invoice 7614	FEES 128.00			0.00	0.00
6/30/2013	Expense Recovery	Photocopy Recovery		0.00	0.00	11.64
7/18/2013	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
7/19/2013	Billing on Invoice 7677	FEES 928.00 DISBS 11.64			0.00	0.00
7/29/2013	Lawyer: KM 0.50 Hrs X 160.00	Reviewed bankruptcy hearing transcript of T. Harbin acknowledging falsity of promissory notes.	KM	0.50	80.00	0.00
8/2/2013	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
8/9/2013	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from B. Scalabrino [REDACTED].	KM	0.10	16.00	0.00
8/19/2013	Billing on Invoice 7738	FEES 80.00			0.00	0.00
5/21/2014	Lawyer: KM 0.50 Hrs X 160.00	Started drafting motion for entry of default judgment; reviewed file and notice that Imperium has counsel, case needs reinstated because it was dismissed.	KM	0.50	80.00	0.00
5/22/2014	LexisNexis	Legal Research		0.00	0.00	119.22

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
5/28/2014	Lawyer: JS 1.60 Hrs X 160.00	Discussion with K. McJessey and review of docket report; call to attorney Saultter and voicemail message; review of federal rules and initial drafting of motion to reinstate.	JS	1.60	256.00	0.00
6/3/2014	Lawyer: SK 0.20 Hrs X 60.00	Prepared appearance of J. Sopata; reviewed Judge Castillo's motion practice requirements and prepared notice of motion for reinstatement.	SK	0.20	12.00	0.00
6/3/2014	Lawyer: KM 0.40 Hrs X 160.00	Confer with J. Sopata regarding [REDACTED]. Reviewed and revised motion to reinstate lawsuit.	KM	0.40	64.00	0.00
6/3/2014	Lawyer: JS 1.00 Hrs X 160.00	Confer with K. McJessey re: [REDACTED]; research on Bankruptcy Code 362(a)(2) and continued drafting motion to reinstate and draft order.	JS	1.00	160.00	0.00
6/20/2014	Lawyer: SK 0.60 Hrs X 60.00	Filed appearance of J. Sopata; filed motion for reinstatement and notice of motion with court; prepared correspondence to Judge Lee forwarding courtesy copies.	SK	0.60	36.00	0.00
7/7/2014	Lawyer: KM 0.20 Hrs X 160.00	Telephone call with J. Sopata regarding [REDACTED]. Prepared correspondence to J. Sopata [REDACTED].	KM	0.20	32.00	0.00
7/7/2014	Lawyer: SK 0.40 Hrs X 60.00	Prepared summary of weekly time reports for May-June 2014 for attachment to Harbins' deposition exhibit.	SK	0.40	24.00	0.00
7/7/2014	Expense Recovery	Postage Recovery		0.00	0.00	1.38
7/8/2014	Lawyer: JS 1.50 Hrs X 160.00	Attendance at hearing on motion to bar defenses; confer with K. McJessey re: [REDACTED].	JS	1.50	240.00	0.00
7/10/2014	Lawyer: SK 0.10 Hrs X 60.00	Prepared correspondence to K. Saultter inquiring about availability for settlement conference for dates offered by Judge Schenkier.	SK	0.10	6.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
7/10/2014	Lawyer: KM 0.20 Hrs X 160.00	Telephone call from Judge Schenkier's chambers to set settlement conference; request S. Keating to check opposing counsel's availability. Prepared correspondence to J. Libby [REDACTED] [REDACTED] [REDACTED]	KM	0.20	32.00	0.00
7/17/2014	US Messenger & Logistics	Courier Recovery		0.00	0.00	14.60
7/17/2014	PACER	PACR		0.00	0.00	1.80
7/17/2014	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Castillo resetting court dates and motion date to 9/23/14.	KM	0.10	16.00	0.00
7/18/2014	Billing on Invoice 8492	FEES 428.00 DISBS 120.13			0.00	0.00
7/23/2014	Lawyer: KM 0.20 Hrs X 160.00	Confer with Judge Schenkier's staff -- no word from opposing counsel; Judge out of town but will get date for conference call.	KM	0.20	32.00	0.00
7/28/2014	Lawyer: KM 0.30 Hrs X 160.00	Participated in conference call with Court and opposing counsel for status on setting settlement conference. Reviewed ECF court order of Judge Schenkier regarding telephone conference and likelihood of counsel withdrawing.	KM	0.30	48.00	0.00
7/31/2014	Expense Recovery	Photocopy Recovery		0.00	0.00	113.48
7/31/2014	Lawyer: KM 0.10 Hrs X 160.00	Reviewed motion to withdraw filed by Keenan Saulter.	KM	0.10	16.00	0.00
8/15/2014	Billing on Invoice 8559	FEES 3418.00 DISBS 2010.66			0.00	0.00
8/19/2014	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
8/29/2014	Chicago Regional Council of Carpenters - AUDITS	PMT -		0.00	0.00	0.00
9/11/2014	Lawyer: KM 0.30 Hrs X 160.00	Reviewed correspondence from N. Lagalo [REDACTED] [REDACTED] Arranged with S. Keating [REDACTED] [REDACTED] Reviewed bankruptcy petition filed by Imperium. Prepared correspondence to N. Lagalo [REDACTED] [REDACTED]	KM	0.30	48.00	0.00
9/16/2014	Billing on Invoice 8613				0.00	0.00

Date	Received From/Paid To	Explanation	Lwyr	Hours	Amount	Disbs
9/25/2014	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Castillo granting motion to withdraw and entering default.	KM	0.10	16.00	0.00
9/25/2014	Lawyer: JS 1.70 Hrs X 160.00	Drafted motion for entry of judgment including draft order and declaration.	JS	1.70	272.00	0.00
9/29/2014	Lawyer: KM 0.50 Hrs X 160.00	Reviewed and revised motion for entry of judgment. Telephone call with N. Lagalo regarding [REDACTED].	KM	0.50	80.00	0.00
10/7/2014	Lawyer: KM 1.30 Hrs X 160.00	Appeared in court before Judge Castillo for hearing on Trust Funds' continued motion to reinstate and K. Saulter's motion to withdraw.	KM	1.30	208.00	0.00
10/7/2014	Lawyer: KM 1.20 Hrs X 160.00	Edited and revised petition for prove up of damages and reviewed billing statement and redactions of attorney-client information. Completed information in petition for filing of same.	KM	1.20	192.00	0.00
Total				77.3	11,748.00	950.68

12 CV 03694

Exhibit D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
)
Plaintiffs,)
) 12 CV 03694
v.)
) Judge Castillo
IMPERIUM, LLC, an Illinois limited liability)
company,)
)
Defendant.)

ORDER

Plaintiffs Chicago Regional Council of Carpenters Pension Fund *et al.*'s ("Trust Funds") motion for entry of final judgment is granted and judgment is entered in favor of the Trust Funds and against defendant IMPERIUM, LLC, a now-dissolved Illinois limited liability company ("Defendant") in the amount of \$113,220.32 as follows:

- A. \$75,524.70 in unpaid contributions pursuant to the audit;
- B. \$1,242.00 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendant's books and records;
- C. \$8,650.01 in interest pursuant to 29 U.S.C. § 1132(g)(2)(B);
- D. \$15,104.93 in liquidated damages pursuant to 29 U.S.C. § 1132(g)(2)(C); and
- E. \$12,698.68 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D).

The Trust Funds shall also recover reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order and any such further relief as this Court deems appropriate.

Date

Judge Ruben Castillo