

EXHIBIT D

Sworn Declaration of David Whitfield

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

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND et al)	
)	
Plaintiffs,)	Case No. 12 cv 4027
)	
v.)	Judge Lefkow
)	
R & W CLARK CONSTRUCTION, INC.)	
)	
Defendant.)	

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

David Whitfield, declares as follows:

1. I am an associate of the law firm of Whitfield McGann & Ketterman and I am licensed to practice law in the State of California, the State of Illinois and in the United States District Court for Northern District of Illinois, Eastern Division.

2. I have personal knowledge of the facts stated herein and if called to testify in this matter, I can competently testify to such facts from my own such knowledge.

3. I have been a licensed attorney for 3 years and have over 30 months of experience representing trustees of employee benefit plans, including the prosecution of Federal Court litigation to collect delinquent employer contributions.

4. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of attorneys' fees and costs incurred if the Trust Funds utilize legal counsel to collect unpaid ERISA contributions.

5. I have spoken with senior attorneys within my firm who intern have conferred with lawyers from several different labor law firms who practice this type of ERISA trust fund litigation. Based on my knowledge and experience, the rates charges by the hour in this case are less than or equal to the usual and customary rates charged by other law firms doing similar work in the United States District Court for the Northern District of Illinois.

7. My firm has devoted an additional 7.7 hours in connection with this case filing a

motion for an Agreed Order of Dismissal at the rate of \$175.00 per hour. The court previously awarded any additional Plaintiffs' attorney's fees and cost expended in enforcing the Agreed order of Dismissal. The total attorney fees billed since filing the Agreed Order of Dismiss is \$1,347.50.

8. I certify that the attached detailed attorney fees and costs totaling \$1,347.50 were necessary and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: February 10, 2014

/s/ David Whitfield
Attorney for the Trustees of the Chicago Regional
Council of Carpenters Pension Fund, et al.