

# EXHIBIT 3

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

IMPERIAL CRANE SALES, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1: 15-CV-00859
	)	
SANY AMERICA, INC.,	)	
	)	
Defendant.	)	
_____	)	

**AFFIDAVIT OF CRAIG G. PENROSE**

I, Craig G. Penrose, state that I have personal knowledge of the facts contained herein, and if called as a witness, I could testify competently hereto. I further state as follows:

1. I am an attorney licensed to practice law in good standing in the State of Illinois.
2. I received my juris doctorate from the Seattle University School of Law in 1996. I have been a licensed attorney for the past 21 years.
3. I have been admitted to practice before the Northern District of Illinois, the Central District of Illinois, the Southern District of Illinois, the Eastern District of Michigan, the Western District of Washington, the Sixth Circuit Court of Appeals, the Seventh Circuit Court of Appeals, the Eighth Circuit Court of Appeals, and the Ninth Circuit Court of Appeals.
4. I am currently Senior Counsel with the law firm of Laurie & Brennan, LLP (“Laurie & Brennan”) located at 2 North Riverside Plaza, Suite 1750 in Chicago, Illinois 60606, and serve as one of the attorneys on this matter for Plaintiff.
5. Prior to my position at Laurie & Brennan, I was a Senior Attorney with the FDIC Professional Liability Unit, handling investigation and prosecution of claims against failed bank

officers and directors and other professionals, including the investigation and prosecution of breach of fiduciary duty.

6. Prior to my employment at FDIC, I was a partner at the law firm of Tressler, LLP.

7. I have participated in complex litigation including numerous trials and appeals for the past 20 years and have litigated cases in federal and state courts across the country.

8. My hourly rate in this matter is \$295.00 per hour.

9. Attorney Daniel Brenner is a partner at Laurie & Brennan. He graduated from the University of Illinois College of Law in 2008. Daniel Brennan concentrates his practice on construction and commercial litigation. His hourly billing rate in this matter is \$310.00.

10. Attorney Ryan Hiss is a partner at Laurie & Brennan. He graduated from the University of North Carolina College of Law in 1995. Ryan Hiss concentrates his practice on construction and commercial litigation. His hourly billing rate in this matter is \$350.00.

11. Sierra Sterling is an associate at Laurie & Brennan. She graduated from Emory University School of Law in 2014. She concentrates her practice on construction litigation as well as contract negotiations. Her hourly billing rate in this matter is \$250.00.

12. Francesca Gelet is a law clerk at Laurie & Brennan. Her hourly rate in this matter is \$75.00.

13. Attached to this affidavit is a printout from the Time Slips computer program used by Laurie & Brennan, LLP to electronically capture work in progress on fees and costs on assigned matters, and specifically related to the tasks performed by Laurie and Brennan, LLP attorneys and paralegals. I have attached to my Affidavit as Exhibit A, a copy of the attorneys fees' in this matter.

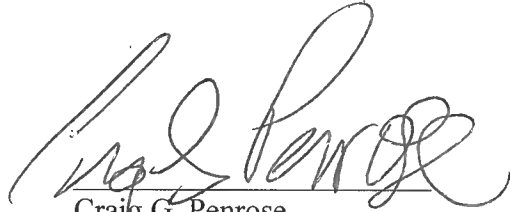
14. The Time Slips Computer program used by Laurie & Brennan, LLP tracks electronically inputted data concerning the specific "Matter;" the "Timekeeper," the "Description"

of the services provided, the "Date" the services were provided, the "Time" associated with that service, and the hourly rate of the Timekeeper. The Time Slips Computer Program calculates the amount to bill the client based on this information.

14. Total fees and costs attributed to this work were \$16,079.50.

15. All of this attorney fee time was charged to Imperial Crane. No insurance paid for these fees. Thus recovery for fees is owed to Imperial Crane.

FURTHER AFFIANT SAYETH NOT

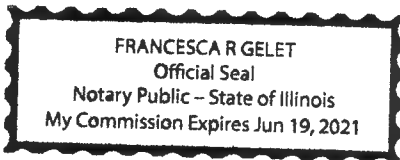


Craig G. Penrose

SUBSCRIBED AND SWORN to before me  
This 16<sup>th</sup> day of October 2017



Notary Public



Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB	Rate	
Posting Status	Client	Time	Info	
Description	Reference		Bill	
			Status	
<u>Timekeeper: Craig Penrose</u>				
104834	TIME	Craig Penrose	1.00	295.00
4/21/2017		1Legal Services	0.00	T@1
Billed	G:15193 5/8/2017	Imperial Crane.Sany America		
Examination of case law on obtaining fees on appeal.				
110861	TIME	Craig Penrose	2.50	295.00
9/8/2017		1Legal Services	0.00	T@1
WIP		Imperial Crane.Sany America		
Examination of case law on motion to confirm arbitration award.				
111187	TIME	Craig Penrose	1.50	295.00
9/11/2017		1Legal Services	0.00	T@1
WIP		Imperial Crane.Sany America		
Begin drafting motion to confirm; strategy moving forward.				
111198	TIME	Craig Penrose	2.50	295.00
9/13/2017		1Legal Services	0.00	T@1
WIP		Imperial Crane.Sany America		
Draft motion to confirm arbitration award.				
111574	TIME	Craig Penrose	2.00	295.00
9/20/2017		1Legal Services	0.00	T@1
WIP		Imperial Crane.Sany America		
Final revisions to motion to confirm award; file with court; letter to judge with courtesy copies.				
Total: Craig Penrose				
	Billable		9.50	2802.50
	Unbillable		0.00	0.00
	Total		9.50	2802.50

Timekeeper: Dan J. Brenner

103031	TIME	Dan J. Brenner	0.60	310.00	186.00
3/24/2017		1Legal Services	0.00	T@2	
Billed	G:15069	4/6/2017	Imperial Crane.Sany America		
Briefly review and analyze Sany Motion to Vacate Arbitration Award; briefly conference with R. Hiss regarding same.					
103255	TIME	Dan J. Brenner	1.70	310.00	527.00
3/28/2017		1Legal Services	0.00	T@2	
Billed	G:15069	4/6/2017	Imperial Crane.Sany America		
Conference with R. Hiss regarding strategy for responding to Motion to Vacate; begin outlining response and conducting research relating to same.					
103770	TIME	Dan J. Brenner	0.80	310.00	248.00
4/3/2017		1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		
Continue reviewing Sany Motion to Vacate Arbitration Award and begin outlining response to same.					
104129	TIME	Dan J. Brenner	2.70	310.00	837.00
4/17/2017		1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		
Continue analyzing Sany Motion to Vacate; begin outlining response to same; briefly conference with R. Hiss regarding same.					
104183	TIME	Dan J. Brenner	4.00	310.00	1240.00
4/18/2017		1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		
Continue analyzing Sany Motion to Vacate; continue outlining response to same; conference with S. Sterling regarding research in support of same.					
104436	TIME	Dan J. Brenner	1.90	310.00	589.00
4/25/2017		1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		
Analyze and revise draft response to Sany's Motion to Vacate; conference with R. Hiss regarding same.					
105346	TIME	Dan J. Brenner	0.20	310.00	62.00
5/10/2017		1Legal Services	0.00	T@2	
Billed	G:15305	6/5/2017	Imperial Crane.Sany America		
Briefly review and analyze Sany's reply brief in support of motion to strike.					

111674	TIME	Dan J. Brenner	0.30	310.00	93.00
9/28/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			

Review and analyze order from court affirming arbitrator's award; correspond with R. Hiss regarding next steps.

Total: Dan J. Brenner

Billable	12.20	3782.00
Unbillable	0.00	0.00
Total	12.20	3782.00

Timekeeper: Francesca Gelet

104625	TIME	Francesca Gelet	0.80	75.00	60.00
4/25/2017		Manage data/files	0.00	T@3	
Billed	G:15193	5/8/2017			
		Imperial Crane.Sany America			

Prepare documents for filing; file same with US District Court.

104628	TIME	Francesca Gelet	1.00	75.00	75.00
4/26/2017		Manage data/files	0.00	T@3	
Billed	G:15193	5/8/2017			
		Imperial Crane.Sany America			

Draft cover letter for courtesy copies; deliver courtesy copies to US District Court; serve same on all parties.

111539	TIME	Francesca Gelet	0.60	75.00	45.00
9/20/2017		Manage data/files	0.00	T@3	
WIP		Imperial Crane.Sany America			

Prepare courtesy copies and deliver same to courthouse.

Total: Francesca Gelet

Billable	2.40	180.00
Unbillable	0.00	0.00
Total	2.40	180.00

Timekeeper: Ryan A. Hiss

103094	TIME		Ryan A. Hiss	1.20	350.00	420.00
3/24/2017			1Legal Services	0.00	T@2	
Billed	G:15069	4/6/2017	Imperial Crane.Sany America			
Review Motion to Vacate Award; teleconference with attorney for Sany America; correspond with client re: motion and strategy.						
103296	TIME		Ryan A. Hiss	1.50	350.00	525.00
3/28/2017			1Legal Services	0.00	T@2	
Billed	G:15069	4/6/2017	Imperial Crane.Sany America			
Court hearing on Sany's presentment of motion to vacate arbitration award; conference with D. Brenner re: strategizing response to motion to vacate.						
104223	TIME		Ryan A. Hiss	0.20	350.00	70.00
4/17/2017			1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America			
Strategize response brief with D. Brenner.						
104389	TIME		Ryan A. Hiss	2.90	350.00	1015.00
4/21/2017			1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America			
Review strategy/outline for response to motion to vacate; draft response to motion to vacate.						
104391	TIME		Ryan A. Hiss	5.60	350.00	1960.00
4/24/2017			1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America			
Continue drafting response to motion to vacate; research re: same.						
104430	TIME		Ryan A. Hiss	3.80	350.00	1330.00
4/25/2017			1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America			
Revise response to motion to vacate arbitration award.						
104551	TIME		Ryan A. Hiss	0.10	350.00	35.00
4/26/2017			1Legal Services	0.00	T@2	
Billed	G:15193	5/8/2017	Imperial Crane.Sany America			
Confirm filing and courtesy copy delivery.						
109223	TIME		Ryan A. Hiss	0.20	350.00	70.00
8/1/2017			1Legal Services	0.00	T@2	
Billed	G:15644	9/7/2017	Imperial Crane.Sany America			
Discuss timing of filing motion to confirm arbitration award - federal court of state court						



and enforcement of judgment in federal court against assets in Georgia.

110751	TIME	Ryan A. Hiss	0.40	350.00	140.00
9/8/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			
Conference with Craig re: research on motion to confirm arbitration award after the judge rules on Sany's motion; correspond with Lance, BJ and Dave re: next possible steps.					
110838	TIME	Ryan A. Hiss	1.20	350.00	420.00
9/11/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			
Review Craig's research and memo on confirming the arbitration award when a challenge to the award has been filed already; discuss strategy issues re: when to file a motion to confirm award; research on motion to confirm/vacate procedures and restrictions; correspond with BJ.					
111096	TIME	Ryan A. Hiss	0.10	350.00	35.00
9/15/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			
Conference with Craig re: strategy with motion to confirm arbitration award.					
111212	TIME	Ryan A. Hiss	1.30	350.00	455.00
9/18/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			
Review and revise motion to confirm arbitration award; review AAA rules on confirmation of award and FAA and Georgia statute on confirmation of arbitration awards.					
111300	TIME	Ryan A. Hiss	0.10	350.00	35.00
9/19/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			
Strategize motion to confirm issues with Craig and decision to get motion on file tomorrow.					
111329	TIME	Ryan A. Hiss	0.10	350.00	35.00
9/20/2017		1Legal Services	0.00	T@2	
WIP		Imperial Crane.Sany America			
Discuss and determine strategy with Craig for presentment on motion to confirm arbitration award.					
111594	TIME	Ryan A. Hiss	1.70	350.00	595.00
9/26/2017		1Legal Services	0.00	T@2	

WIP			Imperial Crane.Sany America		
Court hearing on motion to confirm arbitration award; correspond with BJ, Lance and Dave re: motion and court's response.					
111707	TIME		Ryan A. Hiss	0.50	350.00
9/29/2017			1Legal Services	0.00	T@2
WIP			Imperial Crane.Sany America		175.00
Review court issued memorandum of opinion and discuss strategy on getting this entered as a judgment.					
Total: Ryan A. Hiss					
			Billable	20.90	7315.00
			Unbillable	0.00	0.00
			Total	20.90	7315.00
<u>Timekeeper: Sierra Sterling</u>					
105037	TIME		Sierra Sterling	2.70	250.00
4/12/2017			1Legal Services	0.00	T@7
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		675.00
Analyze statutes and case law re: grounds for vacating arbitration award; summarize case law and send same to D. Brenner.					
105042	TIME		Sierra Sterling	2.10	250.00
4/17/2017			1Legal Services	0.00	T@7
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		525.00
Review and analyze case law for response to motion to vacate; summarize findings and send same to D. Brenner.					
105043	TIME		Sierra Sterling	2.60	250.00
4/18/2017			1Legal Services	0.00	T@7
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		650.00
Summarize analysis of cases cited by Sany in motion to vacate and research FAA attorneys' fees provisions; review Georgia Arbitration Act re: attorneys' fees; review and analyze case law re: arbitrator's authority to reconsider; draft language for response to Sany motion to vacate.					
105050	TIME		Sierra Sterling	0.60	250.00
4/19/2017			1Legal Services	0.00	T@7
Billed	G:15193	5/8/2017	Imperial Crane.Sany America		150.00
Analyze and summarize case law re: functus officio doctrine.					
Total: Sierra Sterling					
			Billable	8.00	2000.00
			Unbillable	0.00	0.00

Total	8.70	2000.00
	<hr/>	<hr/>

**Grand Total**

<b>Billable</b>	<b>53.00</b>	<b>16,079.50</b>
<b>Unbillable</b>	<b>0.00</b>	<b>0.00</b>
<b>Total</b>	<b>53.00</b>	<b>16,079.50</b>
	<hr/> <hr/>	<hr/> <hr/>