

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	15 CV 04946
v.)	
)	
LANGHORST CONSTRUCTION, INC., a)	Judge Manish S. Shah
Missouri corporation,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR ENTRY OF FINAL JUDGMENT

This Court granted the plaintiffs Chicago Regional Council of Carpenters Pension Fund *et al.*'s ("Trust Funds") motion for a default order against defendant LANGHORST CONSTRUCTION, INC., ("Defendant" or "LANGHORST") on October 21, 2015. *See* Order, Oct. 21, 2015, Docket No. 12. In order to obtain a final judgment, the Trust Funds hereby submit this Plaintiffs' Motion for Entry of Final Judgment ("Petition"). In support of their Motion, Trust Funds state as follows:

I. SUMMARY OF DAMAGES.

For the reasons explained more fully below, this Court should award the Trust Funds \$79,098.43 in damages as follows:

(A) Unpaid Fringe Benefit Contributions		\$56,031.97
(B) Interest		\$2,379.77
(C) Liquidated Damages		\$11,039.05
(D) Auditors' Fees		\$4,717.50
(E) Attorneys' Fees and Costs		\$4,930.14
Total		\$79,098.43

II. ARGUMENT.

A. Damages for Unpaid Fringe Benefit Contributions.

LANGHORST is bound by the Area Agreement with the Chicago Regional Council of Carpenters (“Union”). *See* Declaration of J. Libby ¶3, Exhibit A. The Trust Funds conducted an audit of LANGHORST’s books and records which revealed unpaid fringe benefit contributions in the amount of \$56,031.97. *See* Declaration of J. Libby ¶¶4-9, Exhibit A.

Under ERISA, LANGHORST is liable to the Trust Funds for any unpaid fringe benefit contributions. ERISA states as follows:

In any action under this subchapter by a fiduciary for or on behalf of a plan to enforce section 1145 of this title in which a judgment in favor of the plan is awarded, the court shall award the plan— (A) the unpaid contributions

See 29 U.S.C. §1132(g)(2)(A).

Accordingly, this Court should award the Trust Funds \$56,031.97 for unpaid fringe benefit contributions.

B. Interest.

Under ERISA, 29 U.S.C. §1132, Trust Funds are entitled to collect interest on the unpaid contributions. Section 1132(g)(2)(B) provides as follows:

(2) In any action under this subchapter by a fiduciary for or on behalf of a plan to enforce section 1145 of this title in which a judgment in favor of the plan is awarded, the court shall award the plan—

...
(B) interest on the unpaid contributions,

...
For purposes of this paragraph, interest on unpaid contributions shall be determined by using the rate provided under the plan, or, if none, the rate prescribed under section 6621 of title 26.

See 29 U.S.C. §1132(g)(2). And, section 6621 of title 26 provides as follows:

(2) **Underpayment rate.** The underpayment rate established under this section shall be the sum of—

(A) the Federal short-term rate determined under subsection (b), plus

(B) 3 percentage points.

See 26 U.S.C. §6621.

This is consistent with the trust agreements which also allow the Trust Funds to collect interest on the amount due. *See* Decl. of J. Libby ¶10, Exhibit A. Therefore, the Trust Funds are entitled to recover interest based on the statute.

The amount due as interest on the fringe benefit contributions is \$2,379.77. *See* Declaration of J. Libby ¶12, 14, Exhibit A. Accordingly, this Court should award the Trust Funds interest in the amount of \$2,379.77 pursuant to 29 U.S.C. §1132(g)(2).

C. Liquidated Damages.

Under ERISA, 29 U.S.C. §1132, the Trust Funds are entitled to collect liquidated damages on the unpaid contributions. Section 1132(g)(2)(C)(ii) provides as follows:

(2) In any action under this subchapter by a fiduciary for or on behalf of a plan to enforce section 1145 of this title in which a judgment in favor of the plan is awarded, the court shall award the plan—

...

(C) an amount equal to the greater of—

...

(ii) liquidated damages provided for under the plan in an amount not in excess of 20 percent (or such higher percentage as may be permitted under Federal or State law) of the amount determined by the court under subparagraph (A),

This is consistent with the trust agreements which also allow the Trust Funds to collect liquidated damages of 1.5% monthly on the amount due. *See* Decl. of J. Libby ¶10, Exhibit A.

The total liquidated damages calculated at 1.5% per month compounded equals \$11,039.05. *See* Decl. of J. Libby ¶12, 14, Exhibit A. Accordingly, this Court should award the Trust Funds liquidated damages in the amount of \$11,039.05 pursuant to 29 U.S.C. §1132(g)(2)(C)(ii).

D. Auditor's Fees.

Under the terms of the Trust Agreements and the Area Agreement, a signatory employer is liable for reasonable fees of auditors retained by the Trust Funds used to establish the amount of delinquent contributions to the Trust Funds. *See* Declaration of J. Libby ¶13, Exhibit A.

Moreover, ERISA, 29 U.S.C. §1132, likewise provides that the Trust Funds are entitled to recover auditors' fees incurred to prove the amount of contributions owed:

ERISA itself grants the district court authority to award the plaintiffs their reasonable attorney's fees and costs in successful actions to collect unpaid fringe benefit contributions owed to multi-employer plans, 29 U.S.C. § 1132(g)(2)(D), along with 'such other legal or equitable relief as the court deems appropriate,' *id.* § 1132(g)(2)(E). This court, among others, has construed the latter provision to include an award of audit costs. *Moriarty ex rel. Local Union No. 727, I.B.T. Pension Trust v. Svec*, 429 F.3d 710, 721 (7th Cir. 2005) (*citing Operating Eng's Pension Trust v. A-C Co.*, 859 F.2d 1336, 1343 (9th Cir. 1988)).

See Trustees of the Chicago Plastering Institute Pension Trust v. Cork Plastering Co., 570 F.3d 890, 902 (7th Cir. 2009).

The Trust Funds incurred \$4,717.50 in auditors' fees for the audit of LANGHORST's fringe benefit contributions to the Trust Funds during the Audit Period. *See* Declaration of J. Libby ¶13, 14, Exhibit A. Accordingly, this Court should award the Trust Funds \$4,717.50 in reasonable auditors' fees for the audit of LANGHORST's books and records to determine that LANGHORST owed unpaid fringe benefit contributions.

E. Attorneys' Fees and Costs.

Under the terms of the Trust Agreements and the Area Agreement, LANGHORST is liable for reasonable attorney fees and costs incurred by the Trust Funds to collect delinquent contributions because the Trust Funds were required to hire counsel to compel the audit of LANGHORST and to collect the amount due from LANGHORST. *See* Declaration of J. Libby ¶11, Exhibit A.

LANGHORST has a statutory obligation to pay attorneys' fees and costs. Under ERISA 29 U.S.C. §1132, Trust Funds are entitled to recover attorneys' fees and costs incurred to collect the unpaid contributions. Section 1132(g) provides as follows:

(g) Attorney's fees and costs; awards in actions involving delinquent contributions ... (2) In any action under this subchapter by a fiduciary for or on behalf of a plan to enforce section 1145 of this title in which a judgment in favor of the plan is awarded, the court shall award the plan—.... (D) reasonable attorney's fees and costs of the action, to be paid by the defendant ...

See 29 U.S.C. §1132(g)(2) (emphasis added). LANGHORST is also liable for attorneys' fees and costs incurred by the Trust Funds to enforce any judgment entered in this matter. *See Free v. Briody*, 793 F.2d 807, 808-09 (7th Cir. 1986).

Here the Trust Funds incurred \$4,930.14 in attorneys' fees and costs as stated in the affidavit and detailed billing statements accompanying this petition. *See* Declaration of K. McJessa ¶¶6-8, Exhibit B. Billing statements are admissible to show the reasonableness of attorneys' fees and costs in ERISA cases. *See Trustees of the Chicago Plastering Inst. Pension Trust*, 570 F.3d at 903 (relying on attorneys "time records"); *Chicago Regional Council of Carpenters Pension Fund v. RCI Enterprises, Inc.*, 2011 U.S. Dist LEXIS *6-7 (N.D. Ill., July 20, 2011) (Feinerman, J.) (relying on billing time records for award of attorneys' fees).

Moreover, the fees charged here of \$160/hour and \$220/hour for attorney time are reasonable compared to the rates charged by other attorneys handling similar ERISA matters in the Northern District of Illinois. As a matter of law, the Northern District of Illinois has recognized that hourly rates of \$195 per hour to \$250 per hour are reasonable rates for attorney time for ERISA litigation. *See Trustees of the Chicago Regional Council of Carpenters Pension Fund v. RCI Enterprises, Inc.*, 2011 U.S. Dist. LEXIS *6 (N.D. Ill.) (holding that attorney rates of \$180/hr for a junior attorney to \$250/hr for a partner are reasonable hourly rates for ERISA

lawsuit by the Chicago Regional Council of Carpenters); *Board of Trustees of the Rockford Pipe Trades Indus. Pension Fund v. Fiorenza Enters.*, 2011 U.S. Dist. LEXIS 28209, 21-22 (N.D. Ill. Mar. 18, 2011) (“the court finds that the hourly rates [of \$195, \$210 and \$235 per hour] . . . are reasonable” for fringe benefit trust funds lawsuit against employer to collect unpaid contributions); *Divane v. Mitchell Sec. Sys.*, 2008 U.S. Dist. LEXIS 27825 (N.D. Ill. Apr. 7, 2008) (“The court finds that the billing rates [of \$220.00 to 240.00 for attorneys] are reasonable.”).

Accordingly, this Court should award the Trust Funds \$4,930.14 in reasonable attorneys’ fees and costs for the audit of LANGHORST’s books and records to determine that LANGHORST owed unpaid fringe benefit contributions.

III. CONCLUSION.

For the forgoing reasons, the Trust Funds respectfully request that this Court enter final judgment for the Trust Funds in the amount of \$79,098.43 as follows:

- A. \$56,031.97 in unpaid contributions pursuant to the audit;
- B. \$4,717.50 for auditor’s fees incurred by the Trust Funds to complete the audit of Defendant’s books and records;
- C. \$2,379.77 in interest pursuant to 29 U.S.C. § 1132(g)(2)(B);
- D. \$11,039.05 in liquidated damages pursuant to 29 U.S.C. § 1132(g)(2)(C); and
- E. \$4,930.14 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. *See Free v. Briody*, 793 F.2d 807, 808-09 (7th Cir. 1986). A proposed order is attached hereto as Exhibit C.

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
(773) 880-1265 (facsimile)
mcjessey@MCandT.com

CERTIFICATE OF SERVICE

I, Kevin P. McJessey, an attorney, certify that I caused the foregoing **Plaintiffs' Motion for Entry of Final Judgment** to be served upon

Langhorst Construction, Inc.
c/o Amy Schueddig, Registered Agent
4844 Placid Hills Drive
Arnold, Missouri 63010

via U.S. Mail by depositing the same in the U.S. Mail depository located at 3759 N. Ravenswood with postage prepaid on this 1st day of March, 2016.

s/ Kevin P. McJessey
Kevin P. McJessey

15 CV 04946

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
)
Plaintiffs,)
) 15 CV 04946
v.)
)
LANGHORST CONSTRUCTION, INC., a) Judge Manish S. Shah
Missouri corporation,)
)
Defendant.)

DECLARATION OF JOHN LIBBY

I, John Libby, hereby declare, under penalty of perjury pursuant to the laws of the United States, that the following statements are true 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 (“Pension Fund”), the Chicago Regional Council of Carpenters Health and Welfare Fund (“Health and Welfare Fund”), the Chicago and Northeast Illinois Regional Council of Carpenter Apprentice and Trainee Program (“Trainee Fund”) 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 the collective bargaining agreement between the employers and the Chicago and Northeast Illinois Regional Council of Carpenters (“Union”) and between employers and the United Brotherhood of Carpenters and Joiners of America. Accordingly, I am familiar with the terms of the current collective bargaining agreement (“Area Agreement”) and the trust agreements

establishing the Trust Funds.

3. LANGHORST CONSTRUCTION, INC., a Missouri corporation (“Defendant”), is an employer bound by the Area Agreement with the Union by nature of its having signed an agreement with the United Brotherhood of Carpenters and Joiners of America and having performed work within the geographic jurisdiction of the Union. A copy of the Trust Funds’ records showing that Defendant is bound by the Area Agreement is attached as Exhibit 1. Defendant has submitted contribution reports to the Trust Funds and those contribution reports state in part that “We hereby agree to be bound by, and ratify, confirm, and adopt all of the provisions of the Area Collective Bargaining Agreement and the Agreements and Declarations of Trust under which the Chicago Regional Council of Carpenters Fringe Benefit Funds are maintained.” A copy of a contribution report submitted by Defendant to the Trust Funds is attached as Exhibit 2. Accordingly, Defendant is bound to the Area Agreement with the Union and the trust agreements establishing the Trust Funds. The Area Agreement and the trust agreements are collectively referred to herein as “Agreements.”

4. Pursuant to the 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.

5. Pursuant to the Agreements, Defendant also agreed to submit to a periodic audit of its books and records in order to verify the accuracy of the contributions reported and paid to the Trust Funds.

6. The Trust Funds engaged Legacy Professionals, LLP (“Legacy”) to conduct an audit of Defendant’s fringe benefit contributions to the Trust Funds for the period January 1, 2014 through March 31, 2015.

7. After this lawsuit was filed, Defendant produced records to Legacy. Legacy prepared Audit Reports 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 Audit Report to the Trust Funds for Defendant's account.

8. A copy of the Audit Report is attached as Exhibits 3. According to the Audit Report and based on the records produced by Defendant to Legacy and to the Trust Funds, Defendant owes \$36,546.10 in unpaid fringe benefit contributions to the Trust Funds, not including contributions owed for underreporting hours worked by supervisor employees who also perform bargaining unit work as addressed below.

9. The records produced by Defendant further show that Defendant owes fringe benefit contributions for supervisor employees who Defendant reported at less than 160 hours per month. For example, according to the Area Agreement, an employer is obligated to report and pay contributions to the Health and Welfare Fund on supervisor employees who perform jurisdictional work at a minimum rate of 160 hours per month ("the 160-Hour Rule"):

The EMPLOYER may make contributions for all hours worked by the Superintendents and other management personnel for whom contributions to the Health and Welfare Fund were heretofore made when such individuals were employed as journeyman Carpenters. Such contributions shall be made in a monthly amount equal to at least one hundred and sixty (160) times the hourly contribution rate specified in this Article. . . . The EMPLOYER shall make contributions on behalf of each of its Employees employed by EMPLOYER in a management or supervisory position who is also engaged in work of a character falling within the jurisdiction covered by this Collective Bargaining Agreement in an amount of no less than one hundred and sixty (160) hours per month.

There are similar requirements for the Pension Fund and the Trainee Fund. According to the information provided to Legacy, Defendant owes \$19,485.87 in unpaid contributions for violation of the 160-Hour Rule. A copy of a summary of contributions owed by Defendant for failing to comply with the 160-Hour Rule is attached hereto as Exhibit 4.

10. The Agreements provide that the Trust Funds collect liquidated damages on unpaid fringe benefit contributions at a rate of 1½ percent compounded monthly. The Agreements also provide that the Trust Funds collect interest on unpaid fringe benefit contributions as allowed by law.

11. Because Defendant failed to comply with the terms of the Agreements, the Trust Funds have had to employ the services of the law firm McJessey Ching & Thompson, LLC. As a result, the Trust Funds incurred attorneys' fees and costs.

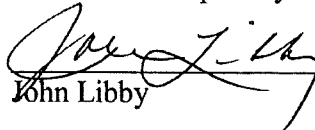
12. A summary of the updated calculations of accrued interest and liquidated damages for the Audit Report is attached hereto as Exhibit 5 and for violations of the 160-Hour Rule is attached as Exhibit 6. Defendant owes \$2,379.77 in unpaid interest calculated pursuant to 26 U.S.C. §6621 and \$11,039.05 in unpaid liquidated damages calculated in accordance with the Agreements.

13. The Trust Funds paid Legacy \$4,717.50 as auditors' fees for Legacy to conduct its review of Defendant's books and records and to prepare the Audit Report.

14. In sum, based on the records produced by Defendant, Defendant owes unpaid contributions of \$56,031.97, interest of \$2,379.77, liquidated damages of \$11,039.05, auditors' fees of \$4,717.50 plus the attorneys' fees and costs incurred by the Trust Funds in this lawsuit.

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

I declare under penalty of perjury that the foregoing is true and correct.



John Libby

Executed on:

2/29/16

Date

15 CV 04946

Exhibit A-1

United Brotherhood of Carpenters and Joiners of America
International Signatories:

Thursday September 16 2004 9:13 AM

Contractor Name Address	City	State	Phone	Fax	Contract Name
Langenbacher Company Inc., John 1345 Seneca Ave Bronx	NY	(212) 323-7900			1. Standard Construction (SCA)
Langenfelder & Son, Inc., C.J. 8427 Pulaski Highway Baltimore	MD	(410) 662-2000	(410) 391-4367		12. National Maintenance Agreements Policy Committee (NMAPC)
Langer Construction 54 East Moreland Ave West St Paul	MINN	(651) 457-5993			1. Standard Construction (SCA)
Lankford Enterprises Inc 20635 South Metcalf Bucyrus	KS	(913) 681-2244			1. Standard Construction (SCA)
Lansing Poured Wall Company PO Box 23084 Lansing	MI	(517) 646-9166	(517) 646-9158		1. Standard Construction (SCA) 10. Interior Maintenance (NMAPC)
Lanville Foundations Inc. 17396 Gray Road Howell	MI	(517) 546-0974	(517) 546-8919		1. Standard Construction (SCA) 12. National Maintenance Agreements Policy Committee (NMAPC)
Larkin Enterprises, Inc. 17 Carnage Lane Hampden	ME	(207) 990-5417	(207) 942-3486		1. Standard Construction (SCA) 12. National Maintenance Agreements Policy Committee (NMAPC)
Larry's Carpet P. O. Box 170 Advance	MO				23. Floorcovering Agreement
Larson Equipment & Furniture Company, The 403 South Vermont Palatine	IL	(847) 705-0460	(847) 705-0560		1. Standard Construction (SCA)
Larson-Danielson Construction Co., Inc. 302 1/2 Street Laporte	IN	(219) 362-2127	(219) 362-2845		1. Standard Construction (SCA)
Laserstraight Inc 1412 Harvest Ave Kettering	OH	(513) 299-6505			1. Standard Construction (SCA) 5. Ceiling & Interior Systems Contractors Association (CISCA)
Laso Contractors Inc RD 4, Box 174 Ligonier	PA	(412) 238-6578			5. Ceiling & Interior Systems Contractors Association (CISCA)
Lathrop Company, The 460 West Dussel Drive, PO Box 772	OH	(419) 893-7000	(419) 893-1741		12. National Maintenance Agreements Policy Committee (NMAPC)
Laur & Mack Contracting Co Inc 1400 College Ave Niagara Falls	NY	(716) 284-5218			1. Standard Construction (SCA)
Laurill Installations, Inc. 1595 Kummy Rd Quakertown	PA	(215) 679-0753	(215) 641-9101		1. Standard Construction (SCA)
Lawrence Inc., John D. 901 Almonesson Road, Box 7 Westville	NJ	(609) 456-1304	(609) 456-8311		12. National Maintenance Agreements Policy Committee (NMAPC)
Lawson Steel Erection Co 940 North Scott Belton	MO	(816) 322-2624			1. Standard Construction (SCA)
LeFiell Company PO Box 7789, Rincon Annex Leadbetter & Son Inc., A. C.	San Francisco CA	(415) 282-8676			1. Standard Construction (SCA)
Lee Company Inc 110 Arco Drive Terre Haute	OH	(419) 537-9081	(419) 536-9134		1. Standard Construction (SCA) 12. National Maintenance Agreements Policy Committee (NMAPC)
	IN	(812) 235-8155	(812) 235-3587		1. Standard Construction (SCA) 12. National Maintenance Agreements Policy Committee (NMAPC) 5. Ceiling & Interior Systems Contractors Association (CISCA)

15 CV 04946

Exhibit A-2

From:

07/15/2008 10:20

#314 P.005/005

CHICAGO REGIONAL COUNCIL OF CARPENTERS
Combined Fringe Benefit Funds and Dues Checkoff Report
Telephone (Fringe Benefits) 312/787-9455 and (Regional Council) 312/787-3078

PAGE NO. ACCOUNT NO.
H & W 9.46

~~23804~~
50755

SEE INSTRUCTIONS ON REVERSE

- No Employees This Month
- Change Of Address
- Change Of Name
- Send More Forms

Firm Name and Address

LANGHORST CONSTRUCTION, INC.
4844 Placid Hills Drive
Arnold, MO 63010

805705

*NOT APPLICABLE FOR WORK PERFORMED UNDER THE RESIDENTIAL AGREEMENT

DUES CHECKOFF IS CURRENTLY % OF EACH EMPLOYEES MONTHLY GROSS WAGES

MUST BE SHOWN!	WATCH SPELLING!	PLEASE PRINT!	Month of						
Member I.D. Number	Carpenter's Name	Local & Class	X		Gross Wages	Dues Withheld (2)			
REDACTED	Beeplefrick, Don	916 Yorkville	X	16.50	725.80	21.77			

July 2008

RI PORT DUE ON OR BEFORE THE 15TH OF THE MONTH. LATE PAYMENTS WILL BE CHARGED 1.5% PER MONTH, COMPOUNDED. AS LIQUIDATED DAMAGES!

Total this month 9.46 = 156.09 156.09 \$725.80 \$21.77

(1) Amount due at \$ per hour

31. = 21.77 + (2) Total dues withheld

= Subtotal \$

Prior Balance Due or (Cr. Available) \$

Grand Total \$ 177.86

AN "X" INDICATES THE REGIONAL COUNCIL HAS A DUES CHECKOFF AUTHORIZATION FORM ON FILE

We certify the above is a true and complete report of actual hours worked by foremen, journeymen, Grand Total

SUBMIT ONE CHECK FOR THE GRAND TOTAL & MAKE PAYABLE TO: CHICAGO CARPENTERS TRUST FUNDS P.O. BOX 94432 CHICAGO, IL 60680

↑
Amy Schuddy
Pres CEO

REPORT MUST BE SIGNED! AUTHORIZED SIGNATURE

RECEIVED
AUG 18 2008
By

15 CV 04946

Exhibit A-3

Records Reviewed

Account Number:	23864	Audit Period:	January 1, 2014 to March 31, 2015
Employer:	Langhorst Construction Inc	Contact:	Amy Schueddig
Address:	4844 Placid Hills Drive Arnold, MO 63010	Title:	President
Phone:	(636) 290-0739	Phone:	(636) 290-0739

Audit Results	
Discrepancy Total Hours	718.75
Discrepancy Benefit Hours	1,314.50
Discrepancy Amount	\$36,546.10
Liquidated Damages	\$7,231.55
Grand Total	\$43,777.65

Associated Account(s)
Langhorst Construction Inc (#50755) E H Langhorst Construction Co (#21589)

Potential 160 violation

Reviewed	Employer Records
Yes	Annual Federal Unemployment Tax Return (940)
Yes	Bank Statements
No	Cash Disbursement Journals
Yes	Check Register / Cancelled Checks / Vouchers
N/A	Construction Loan Data
Yes	Contribution Reports to All Other Funds
Yes	Contribution Reports to Audited Funds
Yes	Federal Income Tax Returns (1120 or 1065)
No	General Ledgers
Yes	Individual Earnings Records
No	Invoices from Sub-Contractors
No	Job List/Job Cost Records
N/A	Miscellaneous Income Payment Reports (1099)
No	Payroll Journals
Yes	Quarterly Federal Tax Returns (941)
Yes	Quarterly Unemployment Wage Reports
N/A	Summary of Information Returns (1096)
No	Time Cards
Yes	Transmittal of Income and Tax Statements (W-3)
No	Vendor List
Yes	Wage and Tax Statements (W-2)

Audit Type:	General Priority	Copy Forwarded to Attorney Potential 160 Hour Violation
Date Reviewed:	1/30/16	Reviewer: <i>Victor Arnold J CPA</i>

Discrepancy Summary By Month

Account Number:	23864	Audit Period:	January 1, 2014 to March 31, 2015
Employer:	Langhorst Construction Inc	Contact:	Amy Schueddig
Address:	4844 Placid Hills Drive Arnold, MO 63010	Title:	President
Phone:	(636) 290-0739	Page:	1 of 17

Reporting Period	Discrepancy Total Hours	Discrepancy Benefit Hours	Contribution Rate	Discrepancy Amount
January 2014	80.75	80.75	\$26.87	\$2,169.75
February 2014	52.00	52.00	\$26.87	\$1,397.24
March 2014	27.50	119.25	\$26.87	\$3,204.11
April 2014	52.00	52.00	\$26.87	\$1,397.24
May 2014	30.00	30.00	\$26.87	\$806.10
June 2014	69.00	258.25	\$28.12	\$7,261.99
July 2014	178.00	374.50	\$28.12	\$10,530.94
September 2014	19.50	40.75	\$28.12	\$1,145.89
October 2014	82.50	84.00	\$28.12	\$2,362.08
November 2014	20.50	99.75	\$28.12	\$2,804.97
December 2014	11.50	11.50	\$28.12	\$323.38
January 2015	90.00	103.25	\$28.12	\$2,903.39
February 2015		3.00	\$28.12	\$84.36
March 2015	5.50	5.50	\$28.12	\$154.66
Total	718.75	1,314.50		
Hours		Hours		
			Discrepancy Amount	\$36,546.10
			Liquidated Damages	\$7,231.55
			Total Amount Due	\$43,777.65

Discrepancy Summary By Error Type

Account Number:	23864	Audit Period:	January 1, 2014 to March 31, 2015
Employer:	Langhorst Construction Inc	Contact:	Amy Schueddig
Address:	4844 Placid Hills Drive Arnold, MO 63010	Title:	President
Phone:	(636) 290-0739	Page:	2 of 17

Code	Description	Dollar Amount
SIGNATORY EMPLOYER: PAYROLL		
P9	Electronic Record Reported Exclusively to Other Trust Fund(s) Omission	\$281.19
P11	No Record Identified as Carpenter Not Reported	\$7,222.45
P12	No Record Reported Exclusively to Oher Trust Fund(s) Clerical Error	\$11,061.29
P13	No Record Reported Exclusively to Oher Trust Fund(s) Omission	\$1,343.50
SIGNATORY EMPLOYER: CASH DISBURSEMENTS		
CD41	Non-signatory Subcontractor 100% Labor Factor	\$16,637.67
Sub-Total Discrepancies From All Listed Codes		\$36,546.10
Liquidated Damages		\$7,231.55
Total Amount Due		\$43,777.65

Liquidated Damages Schedule

Account Number:	23864	Audit Period:	January 1, 2014 to March 31, 2015
Employer:	Langhorst Construction Inc	Contact:	Amy Schueddig
Address:	4844 Placid Hills Drive Arnold, MO 63010	Title:	President
Phone:	(636) 290-0739	Page:	3 of 17

Reporting Period	Contributions Due	Compounding Periods	Calculating Percentage	Total Liquidated Damages Owed
January 2014	\$2,169.75	23	20.00%	\$433.95
February 2014	\$1,397.24	22	20.00%	\$279.45
March 2014	\$3,204.11	21	20.00%	\$640.82
April 2014	\$1,397.24	20	20.00%	\$279.45
May 2014	\$806.10	19	20.00%	\$161.22
June 2014	\$7,261.99	18	20.00%	\$1,452.40
July 2014	\$10,530.94	17	20.00%	\$2,106.19
September 2014	\$1,145.89	15	20.00%	\$229.18
October 2014	\$2,362.08	14	20.00%	\$472.42
November 2014	\$2,804.97	13	20.00%	\$560.99
December 2014	\$323.38	12	19.56%	\$63.25
January 2015	\$2,903.39	11	17.79%	\$516.51
February 2015	\$84.36	10	16.05%	\$13.54
March 2015	\$154.66	9	14.34%	\$22.18
Total Damages this Schedule				\$7,231.55
20% of Discrepancies				\$7,309.22
Total Discrepancies		\$36,546.10		
Assessed Damages				\$7,231.55

Monthly Detail Report

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015
 Employer: Langhorst Construction Inc Month: January 2014
 Address: 4844 Placid Hills Drive Page #: 4 of 17
 Phone: Arnold, MO 63010
 (636) 290-0739

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
					Ck Date 1-Jan	Ck Date 8-Jan	Ck Date 15-Jan	Ck Date 22-Jan	Ck Date 29-Jan	Total Hours				
	Kohlenberger Paul	P12	46.00	46.00	33.25	0.00	8.00	8.00	47.50	30.00	118.75	72.75	72.75	
	Oungst Chris	P11	0.00	0.00	0.00	8.00	0.00	0.00	0.00	0.00	8.00	8.00	8.00	
Total					33.25	8.00	8.00	47.50	30.00	126.75	80.75	80.75		

Total Items Listed in this Period: 2.00

Monthly Detail Report

Account Number: 23864

Audit Period: January 1, 2014 to March 31, 2015

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Month: February 2014

Page #: 5 of 17

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
					Ck Date 5-Feb	Ck Date 12-Feb	Ck Date 19-Feb	Ck Date 26-Feb	Total Hours				
	Kohlenberger Paul	P13	0.00	0.00	10.00	0.00	0.00	0.00	50.00		50.00	50.00	
	Loness John	P12	132.00	132.00	40.00	36.50	17.00	17.00	133.00		1.00	1.00	1.00
	Pellerin Patrick	P12	133.00	133.00	17.00	37.50	40.00	40.00	134.00		1.00	1.00	1.00
Total				119.00	67.00	74.00	57.00	0.00	317.00		52.00	52.00	52.00

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015

Employer: Langhorst Construction Inc Month: March 2014

Address: 4844 Placid Hills Drive Page #: 6 of 17

Phone: Arnold, MO 63010

(636) 290-0739

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
					Ck Date 5-Mar	Ck Date 12-Mar	Ck Date 19-Mar	Ck Date 26-Mar				
2	Bagwell Michael	P12	128.00	128.00	40.00	40.00	30.00	28.50	138.50		10.50	10.50
	Loness John	P12	50.00	50.00	16.00	34.50	14.50	0.00	65.00		15.00	15.00
	Pellern Patrick	P12	139.00	139.00	41.00	40.50	27.50	32.00	141.00		2.00	2.00
	Spalding/American	CD41	0.00	0.00	91.75	0.00	0.00	0.00	91.75		0.00	91.75
Total					188.75	115.00	72.00	60.50	436.25		27.50	119.25

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015
 Employer: Langhorst Construction Inc Month: April 2014
 Address: 4844 Placid Hills Drive Page #: 7 of 17
 Phone: Arnold, MO 63010

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
					Ck Date 2-Apr	Ck Date 9-Apr	Ck Date 16-Apr	Ck Date 23-Apr	Ck Date 30-Apr				
	Bagwell Michael	P12	145.00	145.00	31.50	11.50	34.50	40.50	29.00	147.00		2.00	2.00
	Langland Matthew	P11	0.00	0.00	0.00	0.00	16.00	24.00	10.00	50.00		50.00	50.00
	Total				31.50	11.50	50.50	64.50	39.00	197.00		52.00	52.00

Total Items Listed in this Period: 2.00

Monthly Detail Report

Account Number: 23864

Audit Period: January 1, 2014 to March 31, 2015

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Month: May 2014

Page #: 8 of 17

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
					Ck Date 7-May	Ck Date 14-May	Ck Date 21-May	Ck Date 28-May				
	Bagwell Michael	P-12	150.00	150.00	40.00	40.00	39.00	40.00	159.00		9.00	9.00
	Langland Matthew	P-11	0.00	0.00	13.00	0.00	0.00	0.00	13.00		13.00	13.00
	Pellerin Patrick	P-12	152.00	152.00	40.00	40.00	40.00	40.00	160.00		8.00	8.00
Total						93.00	80.00	79.00	80.00	0.00	332.00	30.00

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 23864

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Audit Period: January 1, 2014 to March 31, 2015

Month: June 2014

Page #: 9 of 17

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	
					Ck Date 4-Jun	Ck Date 11-Jun	Ck Date 18-Jun	Ck Date 25-Jun				Total Hours
9791	Carroll Seating Com	CD41	0.00	0.00	189.25	0.00	0.00	0.00	189.25	0.00	189.25	
	Coffer Andrew C	P11	0.00	0.00	0.00	0.00	40.00	40.00	40.00	40.00	40.00	
	Pellerin Patnck	P12	111.00	111.00	32.00	31.00	37.00	40.00	140.00	29.00	29.00	
Total					221.25	31.00	37.00	80.00	369.25	0.00	69.00	258.25

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015

Employer: Langhorst Construction Inc Month: July 2014

Address: 4844 Placid Hills Drive Page #: 10 of 17

Arnold, MO 63010

Phone: (636) 290-0739

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
					Ck Date 2-Jul	Ck Date 9-Jul	Ck Date 16-Jul	Ck Date 23-Jul				
	Coffer Andrew C	P11	0.00	0.00	40.00	40.00	29.00	0.00	0.00	109.00	109.00	109.00
1	Holton Alan	P12	84.00	84.00	40.00	32.00	40.00	41.00	0.00	153.00	69.00	69.00
	Irwin Telescopic Seat	CD41	0.00	0.00	17.25	0.00	0.00	0.00	0.00	17.25	0.00	17.25
2	Spalding/American	CD41	0.00	0.00	179.25	0.00	0.00	0.00	0.00	179.25	0.00	179.25
Total					276.50	72.00	69.00	41.00	0.00	458.50	178.00	374.50

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 23864

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Audit Period: January 1, 2014 to March 31, 2015

Month: September 2014

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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
					Ck Date 3-Sep	Ck Date 10-Sep	Ck Date 17-Sep	Ck Date 24-Sep				
9791 1	Bagwell Michael	P12	86.00	86.00	32.50	6.50	24.00	32.50	95.50	9.50	9.50	9.50
	Carroll Seating Com	CD41	0.00	0.00	7.75	0.00	0.00	0.00	7.75	0.00	0.00	7.75
	Irwin Telescopic Seat	CD41	0.00	0.00	13.50	0.00	0.00	0.00	13.50	0.00	0.00	13.50
	Teffeller Devin	P9	0.00	0.00	10.00	0.00	0.00	0.00	10.00	10.00	10.00	10.00
Total					63.75	6.50	24.00	32.50	126.75	0.00	19.50	40.75

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015
 Employer: Langhorst Construction Inc Month: October 2014
 Address: 4844 Placid Hills Drive Page #: 12 of 17
 Phone: Arnold, MO 63010
 (636) 290-0739

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
					Ck Date 1-Oct	Ck Date 8-Oct	Ck Date 15-Oct	Ck Date 22-Oct	Ck Date 29-Oct	Total Hours				
9791	Bagwell Michael	P12	201.00	201.00	24.00	63.00	56.50	40.00	38.00	221.50	20.50	20.50		
	Becker David	P11	0.00	0.00	0.00	0.00	40.00	0.00	0.00	40.00	40.00	40.00		
	Carroll Seating Com	CD41	0.00	0.00	1.50	0.00	0.00	0.00	0.00	1.50	0.00	1.50		
	Pellerin Patrick	P12	216.00	216.00	39.00	63.00	56.50	40.00	39.50	238.00	22.00	22.00		
Total				64.50	126.00	113.00	120.00	77.50	501.00	82.50	84.00			

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 23864

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Audit Period: January 1, 2014 to March 31, 2015

Month: November 2014

Page #: 13 of 17

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		
					Ck Date 5-Nov	Ck Date 12-Nov	Ck Date 19-Nov	Ck Date 26-Nov				Total Hours	
9791	Bagweil Michael	P12	113.00	113.00	38.00	21.00	37.00	27.00	123.00	10.00	10.00		
	Carroll Seating Com	CD41	0.00	0.00	79.25	0.00	0.00	0.00	79.25	0.00	79.25		
	Pellerin Patrick	P12	132.00	132.00	39.50	23.00	40.00	40.00	142.50	10.50	10.50		
Total						156.75	44.00	77.00	67.00	0.00	344.75	20.50	99.75

Total Items Listed in this Period: 3.00

Monthly Detail Report

Account Number: 23864

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Audit Period: January 1, 2014 to March 31, 2015

Month: December 2014

Page #: 14 of 17

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	
					Ck Date 3-Dec	Ck Date 10-Dec	Ck Date 17-Dec	Ck Date 24-Dec	Ck Date 31-Dec					
	Bagwell Michael	P12	90.00	90.00	15.50	22.50	23.00	28.50	12.00	101.50		11.50	11.50	
Total						15.50	22.50	23.00	28.50	12.00	101.50		11.50	11.50

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 23864

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Audit Period: January 1, 2014 to March 31, 2015

Month: January 2015

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Reference Number	Employee / Payee Name	Error Code	Total Hours Reported	Benefit Hours Reported	* * * * * Actual Hours Per Week * * * * *							Total Hour Difference	Benefit Hour Difference
					Ck Date 7-Jan	Ck Date 14-Jan	Ck Date 21-Jan	Ck Date 28-Jan	Total Hours	Capped Hours	Total Hour Difference		
1	Bagwell Michael	P12	61.00	61.00	37.00	16.00	29.50	22.00	104.50	43.50	43.50	43.50	
	Inwin Telescopic Seat	CD41	0.00	0.00	11.75	0.00	0.00	0.00	11.75	0.00	0.00	11.75	
2	Pellerin Patrick	P12	48.00	48.00	36.50	16.00	16.00	26.00	94.50	46.50	46.50	46.50	
	Spalding/American	CD41	0.00	0.00	1.50	0.00	0.00	0.00	1.50	0.00	0.00	1.50	
Total				86.75	32.00	45.50	48.00	212.25	90.00	103.25	90.00	103.25	

Total Items Listed in this Period: 4.00

Monthly Detail Report

Account Number: 23864

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Audit Period: January 1, 2014 to March 31, 2015

Month: February 2015

Page #: 16 of 17

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
					Ck Date 4-Feb	Ck Date 11-Feb	Ck Date 18-Feb	Ck Date 25-Feb				
1	Irwin Telescopic Seat	CD41	0.00	0.00	3.00	0.00	0.00	0.00	3.00		0.00	3.00
Total			0.00	0.00	3.00	0.00	0.00	0.00	3.00		0.00	3.00

Total Items Listed in this Period: 1.00

Monthly Detail Report

Account Number: 23864

Audit Period: January 1, 2014 to March 31, 2015

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Month: March 2015
 Page #: 17 of 17

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
					Ck Date 4-Mar	Ck Date 11-Mar	Ck Date 18-Mar	Ck Date 25-Mar				
	Pellerin Patrick	P12	13.00	13.00	6.50	7.00	5.00	0.00	18.50		5.50	5.50
Total				13.00	13.00	6.50	7.00	5.00	0.00	18.50	5.50	5.50

Total Items Listed in this Period: 1.00

Legacy Professionals LLP
Sub Sheet

Account Number: 23864
Audit Period: January 1, 2014 to March 31, 2015

Employer: Langhorst Construction Inc
Address: 4844 Placid Hills Drive
Arnold, MO 63010
Phone: (636) 290-0739

Payee	Ck#	Job #	Date	Amount	ID #	Invoice	Description	Action	Rate	Labor %	Code	Ben Hrs	Ann Hrs	Cap
Carroll Seating Com	12891		6/4/2014	\$ 8,202.79	9791	No	Materials	PU	\$ 43.35	100%	CD41	189.25		
Carroll Seating Com	13552		9/8/2014	\$ 335.00	9791	No	Materials	PU	\$ 43.35	100%	CD41	7.75		
Carroll Seating Com	13522		10/10/2014	\$ 64.96	9791	No	Materials	PU	\$ 43.35	100%	CD41	1.50		
Carroll Seating Com	13549		11/25/2014	\$ 3,438.75	9791	No	Materials	PU	\$ 43.35	100%	CD41	79.25		

Legacy Professionals LLP
Sub Sheet

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015
 Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Payee	Clk#	Job #	Date	Amount	ID #	Invoice	Description	Action	Rate	Labor %	Code	Ben Hrs	Ann Hrs	Cap
Irwin Telescopic Seat	12875		7/22/2014	\$ 747.82	1	No	Materials	PU	\$ 43.35	100%	CD41	17.25		
Irwin Telescopic Seat	13507		9/8/2014	\$ 589.60	1	No	Materials	PU	\$ 43.35	100%	CD41	13.50		
Irwin Telescopic Seat	12916		1/27/2015	\$ 513.30	1	No	Materials	PU	\$ 43.35	100%	CD41	11.75		
Irwin Telescopic Seat	12947		2/22/2015	\$ 125.35	1	No	Materials	PU	\$ 43.35	100%	CD41	3.00		

Legacy Professionals LLP
Sub Sheet

Account Number: 23864 Audit Period: January 1, 2014 to March 31, 2015
 Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010
 Phone: (636) 290-0739

Payee	Ck#	Job #	Date	Amount	ID #	Invoice	Description	Action	Rate	Labor %	Code	Ben Hrs	Ann Hrs	Cap
Spalding/American	No ck#		3/29/2014	\$ 3,905.26		2 No	Materials	PU	\$ 42.52	100%	CD41	91.75		
Spalding/American	12904		7/12/2014	\$ 4,931.00		2 No	Materials	PU	\$ 43.35	100%	CD41	113.75		
Spalding/American	12874		7/22/2014	\$ 2,840.00		2 No	Materials	PU	\$ 43.35	100%	CD41	65.50		
Spalding/American	12917		1/27/2015	\$ 66.00		2 No	Materials	PU	\$ 43.35	100%	CD41	1.50		

15 CV 04946

Exhibit A-4

CHICAGO DISTRICT COUNCIL OF CARPENTERS
FRINGE BENEFITS FUNDS

RECONCILIATION OF HOURS WORKED TO HOURS REPORTED

EMPLOYER: Langhorst Construction Inc A/C#: 23864
MEMBER NAME: Greg W Schueddig S.S.#: XXX-XX-9338
MEMBER TITLE: Officer/Stockholder

PERIOD	HOURS REPORTED	HOURS REQUIRED	HOURS SHORT	HOURLY RATE	AMOUNT DUE
February, 2014	108.00	160.00	52.00	26.87	\$ 1,397.24
March, 2014	108.00	160.00	52.00	26.87	1,397.24
April, 2014	135.00	160.00	25.00	26.87	671.75
May, 2014	108.00	160.00	52.00	26.87	1,397.24
June, 2014	108.00	160.00	52.00	28.12	1,462.24
July, 2014	135.00	160.00	25.00	28.12	703.00
August, 2014	108.00	160.00	52.00	28.12	1,462.24
September, 2014	108.00	160.00	52.00	28.12	1,462.24
October, 2014	135.00	160.00	25.00	28.12	703.00
November, 2014	108.00	160.00	52.00	28.12	1,462.24
December, 2014	135.00	160.00	25.00	28.12	703.00
January, 2015	81.00	160.00	79.00	28.12	2,221.48
February, 2015	81.00	160.00	79.00	28.12	2,221.48
March, 2015	81.00	160.00	79.00	28.12	2,221.48

Report Sub-Total	701.00	\$ 19,485.87
Liquidated Damages (1.50%)		3,750.57
Grand Total Due		\$ 23,236.44

15 CV 04946

Exhibit A-5

Interest & Damages Summary

Account Number: 23864

Calculation Date: February 9, 2016

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010

Reporting Period	Delinquency Amount	Interest	Liquidated Damages	Total Due
January 2014	\$2,169.75	\$129.90	\$433.95	\$2,733.60
February 2014	\$1,397.24	\$80.21	\$279.45	\$1,756.90
March 2014	\$3,204.11	\$175.32	\$640.82	\$4,020.25
April 2014	\$1,397.24	\$72.85	\$279.45	\$1,749.54
May 2014	\$806.10	\$39.86	\$161.22	\$1,007.18
June 2014	\$7,261.99	\$340.56	\$1,452.40	\$9,054.95
July 2014	\$10,530.94	\$466.38	\$2,106.19	\$13,103.51
September 2014	\$1,145.89	\$44.79	\$229.18	\$1,419.86
October 2014	\$2,362.08	\$86.05	\$472.42	\$2,920.55
November 2014	\$2,804.97	\$95.11	\$560.99	\$3,461.07
December 2014	\$323.38	\$10.14	\$64.68	\$398.20
January 2015	\$2,903.39	\$82.97	\$567.90	\$3,554.26
February 2015	\$84.36	\$2.19	\$15.01	\$101.56
March 2015	\$154.66	\$3.64	\$24.82	\$183.12
Totals	\$36,546.10	\$1,629.97	\$7,288.48	\$45,464.55

15 CV 04946

Exhibit A-6

160 Hour Violation Interest & Damages Summary

Account Number: 23864

Calculation Date: February 9, 2016

Employer: Langhorst Construction Inc
 Address: 4844 Placid Hills Drive
 Arnold, MO 63010

Reporting Period	Delinquency Amount	Interest	Liquidated Damages	Total Due
February 2014	\$1,397.24	\$80.21	\$279.45	\$1,756.90
March 2014	\$1,397.24	\$76.45	\$279.45	\$1,753.14
April 2014	\$671.75	\$35.03	\$134.35	\$841.13
May 2014	\$1,397.24	\$69.10	\$279.45	\$1,745.79
June 2014	\$1,462.24	\$68.58	\$292.45	\$1,823.27
July 2014	\$703.00	\$31.13	\$140.60	\$874.73
August 2014	\$1,462.24	\$60.87	\$292.45	\$1,815.56
September 2014	\$1,462.24	\$57.15	\$292.45	\$1,811.84
October 2014	\$703.00	\$25.62	\$140.60	\$869.22
November 2014	\$1,462.24	\$49.58	\$292.45	\$1,804.27
December 2014	\$703.00	\$22.02	\$140.60	\$865.62
January 2015	\$2,221.48	\$63.50	\$434.52	\$2,719.50
February 2015	\$2,221.48	\$58.18	\$395.20	\$2,674.86
March 2015	\$2,221.48	\$52.38	\$356.55	\$2,630.41
Totals	\$19,485.87	\$749.80	\$3,750.57	\$23,986.24

15 CV 04946

Exhibit B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND *et al.*,)
)
Plaintiffs,)
) 15 CV 04946
v.)
)
LANGHORST CONSTRUCTION, INC., a) Judge Manish S. Shah
Missouri corporation,)
)
Defendant.)

DECLARATION OF KEVIN P. MCJESSY

I, Kevin P. McJessy, 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 Langhorst Construction, Inc., an Missouri corporation (“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 McJessy, 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. As such I am familiar with the matters set forth in this declaration.

4. John Sopata is an attorney with MC&T. He has been licensed to practice law in Illinois since 1999.

5. Sheila Keating is a paralegal with MC&T. She has been a paralegal since 1987.

6. The Trust Funds have incurred \$4,930.14 in fees and expenses to compel Defendant to comply with its obligations under the terms of the Collective Bargaining Agreement and applicable trust agreements.

7. The Trust Funds have collectively incurred fees totaling \$4,272.00 for 22.80 hours of attorney services and \$132.00 for 2.2 hours of paralegal services. A redacted copy of the client ledger is attached as Exhibit 1.

Name	Services	Period	Hours	Rate	Total
Kevin McJessy	Attorney	July 31, 2014 to Dec. 31, 2015	10.90	\$160/hr.	\$1,744.00
John Sopata	Attorney	July 31, 2014 to Dec. 31, 2015	1.50	\$160/hr.	\$240.00
Sheila Keating	Paralegal	July 31, 2014 to Dec. 31, 2015	2.20	\$60/hr.	\$132.00
Kevin McJessy	Attorney	Jan. 1, 2016 to Present	10.40	\$220/hr.	\$2,288.00
John Sopata	Attorney	Jan. 1, 2016 to Present	0.0	\$220/hr.	\$0.00
Sheila Keating	Paralegal	Jan. 1, 2016 to Present	0.00	\$100/hr.	\$0.00
Total					\$4,404.00

The hourly rate for attorneys and paralegals charged to the Trust Funds as set forth above is consistent with the rates approved in the Northern District of Illinois for ERISA collection work. *See, e.g., Rappa v. Sun Life Assur. Co.*, 2014 U.S. Dist. LEXIS 124896, *11 (W.D. Wis. Sept. 8, 2014) (“Sun Life does not object to plaintiff’s counsel’s rate of \$300 per hour, and the court finds that rate reasonable given the nature of ERISA cases.”); *Board of Trustees of the Rockford Pipe Trades Indus. Pension Fund v. Fiorenza Enters.*, 2011 U.S. Dist. LEXIS 28209, 21-22 (N.D. Ill. Mar. 18, 2011) (“the court finds that the hourly rates [of \$195, \$210 and \$235 per hour] . . . are reasonable” for fringe benefit trust funds lawsuit against employer to collect unpaid

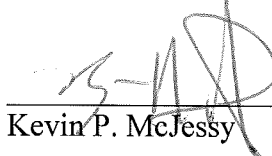
contributions); *Divane v. Mitchell Sec. Sys.*, 2008 U.S. Dist. LEXIS 27825 (N.D. Ill. Apr. 7, 2008) (“The court finds that the billing rates [of \$220.00 to 240.00 for attorneys] are reasonable.”).

8. The Trust Funds incurred \$526.14 in expenses for the filing fee, process server charges for service of summons, courier charges, research charge, photocopy charges and postage charges. A detailed list of expenses incurred by the Trust Funds in this matter is attached hereto as Exhibit 2.

9. 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.

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

FURTHER AFFIANT SAYETH NOT.


Kevin P. McJessy

3/14/16
Date

15 CV 04946

Exhibit B-1

Date	Received From/Paid	Explanation	Lwyr	Hours	Amount	Disbs
1000 Chicago Regional Council of Carpenters -						
0236-LANG Langhorst Construction, Inc. Resp Lawyer: KM						
3/25/2015	Lawyer: KM 0.50 Hrs X 160.00	Reviewed correspondence from J. Hatcher regarding lack of cooperation from Langhorst Construction, refusal to produce records. Research company information for service of audit demand letter and status of company. Prepared audit demand letter to Langhorst Construction.	KM	0.50	80.00	
4/8/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed and responded to correspondence from J. Hatcher regarding Langhorst Construction, Inc.'s failure to respond to audit demand.	KM	0.10	16.00	
4/9/2015	Lawyer: KM 0.20 Hrs X 160.00	Reviewed correspondence from J. Hatcher inquiring whether we received any response from Langhorst in response to the audit demand letter. Reviewed file materials for any response by Langhorst. Prepared correspondence to J. Hatcher advising that we have received no contact from Langhorst.	KM	0.20	32.00	
5/1/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed returned certified letter to Langhorst Construction.	KM	0.10	16.00	
5/8/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed audit report from Legacy Professionals, no audit, no cooperation.	KM	0.10	16.00	
6/4/2015	Lawyer: SK 0.60 Hrs X 60.00	Prepared civil cover sheet, attorney appearance and summons; filed complaint, civil cover sheet and appearance with court; reviewed ECF notice regarding judges' assignments and completed summons as appropriate; prepared email correspondence to court clerk forwarding summons for issuance.	SK	0.60	36.00	
6/4/2015	Lawyer: KM 2.10 Hrs X 160.00	Telephone call with N. Lagalo regarding ^{REDACTED} REDACTED REDACTED (.1) Telephone call with J. Hatcher regarding whether employer contracted Legacy Professionals about the audit and confirmed no. (.1) Reviewed audit referral file. Reviewed online information about defendant to confirm status of information same as prior. Prepared draft complaint. Reviewed attendant documents to complaint prior to filing. (1.9)	KM	2.10	336.00	
6/5/2015	Lawyer: SK 0.40 Hrs X 60.00	Confer with and prepared email correspondence to Missouri process server forwarding summons and complaint for service; prepared email correspondence to J. Libby and N. Lagalo forwarding REDACTED REDACTED	SK	0.40	24.00	
6/5/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order assigning Judge Shah and Magistrate Rowland.	KM	0.10	16.00	
6/8/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Shah setting status hearing for 8/18/15 and initial case requirements.	KM	0.10	16.00	
6/19/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from N. Lagalo advising that Amy Schuedding from Langhorst called the auditor and has agreed to produce records.	KM	0.10	16.00	
6/22/2015	Lawyer: SK 0.20 Hrs X 60.00	Reviewed affidavit of service received from Missouri process server but name of individual served is missing; conference with Missouri process server regarding same -- affidavit will be corrected and sent back to us.	SK	0.20	12.00	
6/25/2015	Lawyer: SK 0.20 Hrs X 60.00	Reviewed process server's affidavit of service and filed same with court.	SK	0.20	12.00	

Date	Received From/Paid	Explanation	Lwyr	Hours	Amount	Disbs
7/6/2015	Lawyer: KM 0.30 Hrs X 160.00	Telephone call from Amy from Langhorst Construction 636-296-0739 advising that all documents have been produced to the auditor to complete the audit. (.1) Reviewed file materials for update on status; prepared correspondence to J. Hatcher seeking to follow up on claims by Amy and status of report. (.2)	KM	0.30	48.00	
7/7/2015	Lawyer: KM 0.20 Hrs X 160.00	Telephone call to J. Hatcher to inquire on status of audit. (.1) Reviewed correspondence from J. Hatcher advising that all requested documents have been received for completing the audit, other documents might be necessary based on the review of the current materials. (.1)	KM	0.20	32.00	
8/5/2015	Lawyer: KM 0.70 Hrs X 160.00	Reviewed file for status of audit. (.2) Prepared correspondence to J. Hatcher inquiring on status of audit and record production in light of status hearing on 8/18/15. (.1) Prepared status report to court for initial status hearing. (.4)	KM	0.70	112.00	
8/6/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed and responded to correspondence from J. Hatcher forwarding new document request for Langhorst and whether Legacy Professionals should send it to Langhorst directly, advised J. Hatcher that the should send the demand directly to Langhorst.	KM	0.10	16.00	
8/17/2015	Lawyer: KM 0.20 Hrs X 160.00	Telephone call with J. Sopata regarding REDACTED REDACTED	KM	0.20	32.00	
8/18/2015	Lawyer: JS 1.50 Hrs X 160.00	Attended status call at which court was informed of audit cooperation and matter was set for further status.	JS	1.50	240.00	
8/18/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed ECF court order of Judge Shah continuing status hearing to 10/21/15 to allow audit to be completed.	KM	0.10	16.00	
9/30/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed and responded to correspondence from J. Hatcher regarding status of response from Langhorst Construction.	KM	0.10	16.00	
10/8/2015	Lawyer: SK 0.60 Hrs X 60.00	Prepared notice of motion for CRCC motion for entry of order of default (.2); filed CRCC motion for entry of order of default with court (.2); filed notice of motion with court (.2).	SK	0.60	36.00	
10/8/2015	Lawyer: KM 1.70 Hrs X 160.00	Prepared motion for entry of default judgment and draft order of default; reviewed file materials and pleadings as necessary to prepare motion for default.	KM	1.70	272.00	
10/15/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed message from Amy at Langhorst Construction regarding motion filed and received by her; telephone call to Amy and left message concerning same.	KM	0.10	16.00	
10/16/2015	Lawyer: KM 1.60 Hrs X 160.00	Telephone call with Amy from Langhorst Construction regarding her receipt of the motion for entry of default judgment and her dispute that records were not produced as requested. (.2) Telephone call with J. Hatcher confirming he did send record requests which were not returned, complete documents not produced, indication company is not reporting for work performed in Chicago area and related to matters. (.2) Telephone call with Amy regarding information from J. Hatcher and her acknowledgement that some information has not been produced and indication company is working in Chicago area. (.2) Prepared correspondence to J. Hatcher and to client reporting on status of same and	KM	1.60	256.00	

Date	Received From/Paid	Explanation	Lwyr	Hours	Amount	Disbs
10/16/2015	Lawyer: SK 0.20 Hrs X 60.00	relaying acknowledgments by Amy. (.8) Telephone call with J. Hatcher wherein he acknowledges that he has received follow up call from Amy and she is producing records by facsimile currently. (.2) Reviewed Langhorst audit referral file, audit report and corporate information for connections between Langhorst Construction and EH Langhorst; prepared email correspondence to J. Hatcher forwarding page from Employer Questionnaire regarding same.	SK	0.20	12.00	
10/20/2015	Lawyer: KM 1.70 Hrs X 160.00	Appeared in court before Judge Shah for hearing on motion for entry of default order. (1.3) Prepared revised draft order per the Court's instructions limiting order to only production of records so as to reserve ruling on other damages issues; prepared correspondence to Court's email order submission. (.2) Prepared correspondence to J. Hatcher, Legacy Professionals, status update, the Court's order of today and need for updated record request to send to Langhorst Construction along with the Court's order. (.2)	KM	1.70	272.00	
10/21/2015	Lawyer: KM 0.10 Hrs X 160.00	Reviewed correspondence from J. Hatcher advising that Legacy Professionals has received documents from Langhorst Construction and is in the process of reviewing those records.	KM	0.10	16.00	
11/9/2015	Lawyer: KM 0.50 Hrs X 160.00	Prepared draft letter to Langhorst Construction forwarding court order, outlining compliance requirements and contact information for Legacy and consequences of noncompliance; reviewed file material for information to include in letter.	KM	0.50	80.00	
11/10/2015	Lawyer: KM 0.10 Hrs X 160.00	Telephone call with Amy from Langhorst Construction regarding production of records for audit not all records produced as she claims.	KM	0.10	16.00	
2/5/2016	Lawyer: KM 0.20 Hrs X 220.00	Reviewed correspondence from Legacy Professionals forwarding audit report of Langhorst Construction; very brief review of documents produced by Legacy Professionals.	KM	0.20	44.00	
2/8/2016	Lawyer: KM 0.10 Hrs X 220.00	Reviewed and responded to correspondence from S. McClintic regarding motion for prove up and when it will be filed.	KM	0.10	22.00	
2/9/2016	Lawyer: KM 1.30 Hrs X 220.00	Telephone call with N. Lagalo regarding REDACTED REDACTED REDACTED REDACTED REDACTED . (3) Reviewed audit report for issues related to 160-Hour violation and calculation of damages. (3) Reviewed correspondence from. N. Lagalo forwarding 16 REDACTED REDACTED (3) Reviewed records related to the hours reported by Langhorst for supervisor employees. (.2) Reviewed correspondence from N. Lagalo REDACTED ; reviewed same. (.2)	KM	1.30	286.00	
2/22/2016	Lawyer: KM 4.80 Hrs X 220.00	Prepared motion for entry of final judgment; reviewed file documents including court orders and audit reports and Rule 160-Hour violation report as necessary to prepare motion for entry of final judgment. (2.1)	KM	4.80	056.00	

Client Ledger
ALL DATES

Date	Received From/Paid	Explanation	Lwyr	Hours	Amount	Disbs
		Prepared declaration of J. Libby and reviewed file materials to gather exhibits for the declaration. (1.3) Telephone call to N. Lagalo regarding REDACTED				
2/24/2016	Lawyer: KM 0.90 Hrs X 220.00	REDACTED (2) Prepared declaration of K. McJessy regarding support for attorneys' fees and costs. (1.2) Telephone call with N. Lagalo regarding REDACTED (2) Telephone call with N. Lagalo regarding REDACTED REDACTED REDACTED REDACTED (2) Telephone call from N. Lagalo REDACTED REDACTED (1) Reviewed correspondence from N. Lagalo REDACTED REDACTED; reviewed same; revised declaration of J. Libby to include additional exhibit. (2) Prepared correspondence to J. Libby REDACTED REDACTED (2)	KM	0.90	198.00	
2/29/2016	Lawyer: KM 0.90 Hrs X 220.00	Reviewed and responded to correspondence from J. Libby regarding REDACTED REDACTED (2) Telephone call with J. Libby concerning REDACTED (2) Edited and revised declaration of J. Libby per telephone call. (4) Prepared correspondence to J. Libby REDACTED (1) Reviewed correspondence from J. Libby REDACTED (1)	KM	0.90	198.00	
3/1/2016	Lawyer: KM 2.20 Hrs X 220.00	Final review and edits to K. McJessy declaration for attorneys' fees and costs; reviewed and revised redacted billing records related to same. (6) Final review and edits to motion for entry of final judgment based on revisions that J. Libby made to his declaration and completed K. McJessy declaration. (1.6)	KM	2.20	484.00	

TOTALS	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX RECEIPTS	= A/R	TRUST	
PERIOD	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00
END DA	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00

FIRM TO	UNBILLED				BILLED				BALANCES	
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX RECEIPTS	= A/R	TRUST	
PERIOD	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00
END DA	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00

REPORT SELECTIONS - Client Ledger

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Matters 0236-LANG
Clients All
Major Clients All

15 CV 04946

Exhibit B-2

Date	Received From/Paid	Explanation	Lwyr	Hours	Amount	Disbs
1000 Chicago Regional Council of Carpenters -						
0236-LANG Langhorst Construction, Inc. Resp Lawyer: KM						
3/26/2015	Expense Recovery	Postage Recovery		0.00		6.96
4/20/2015	Billing on Invoice	FEES 80.00	DISBS	6.96		0.00
		9141				
5/19/2015	Billing on Invoice	FEES 48.00				0.00
		9241				
6/22/2015	Billing on Invoice	FEES 32.00				0.00
		9283				
6/25/2015	Capital One Services	Filing Fee -		0.00		400.00
6/30/2015	Expense Recovery	Photocopy Recovery		0.00		4.68
7/20/2015	Billing on Invoice	FEES 468.00	DISBS	404.68		0.00
		9364				
7/23/2015	Capital One Services	Process Server recovery - Services Rendered - Summons and Complaint		0.00		60.00
8/20/2015	Billing on Invoice	FEES 80.00	DISBS	60.00		0.00
		9443				
9/18/2015	Billing on Invoice	FEES 416.00				0.00
		9518				
10/8/2015	Expense Recovery	Postage Recovery		0.00		1.42
10/19/2015	Billing on Invoice	FEES 16.00				0.00
		9585				
10/29/2015	PACER	PACR		0.00		0.40
10/31/2015	Expense Recovery	Photocopy Recovery		0.00		4.80
11/9/2015	Expense Recovery	Postage Recovery		0.00		0.49
11/20/2015	Billing on Invoice	FEES 880.00	DISBS	6.62		0.00
		9657				
11/25/2015	UPS	Courier - UPS - recovery -		0.00		32.59
12/15/2015	Billing on Invoice	FEES 96.00	DISBS	33.08		0.00
		9747				
1/14/2016	Billing on Invoice					0.00
		9814				
2/29/2016	Expense Recovery	Photocopy Recovery		0.00		14.80

	UNBILLED				BILLED				BALANCES	
TOTALS	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX RECEIPTS	= A/R	TRUST	
PERIOD	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00
END DA	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00

	UNBILLED				BILLED				BALANCES	
FIRM TO:	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX RECEIPTS	= A/R	TRUST	
PERIOD	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00
END DA	0.00	14.80	2288.00	2302.80	511.34	2116.00	0.00	2627.34	0.00	0.00

REPORT SELECTIONS - Client Ledger

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Ver 13.0 SP2 (13.0.20140210)
Matters 0236-LANG
Clients All
Major Clients All
Client Intro Lawyer All

15 CV 04946

Exhibit C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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

Plaintiffs,

v.

LANGHORST CONSTRUCTION, INC., a
Missouri corporation,

Defendant.

15 CV 04946

Judge Shah

Magistrate Judge Rowland

JUDGMENT

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 LANGHORST CONSTRUCTION, INC., a Missouri corporation ("Defendant") in the amount of \$79,098.43 as follows:

- A. \$56,031.97 in unpaid contributions pursuant to the audit;
- B. \$4,717.50 for auditor's fees incurred by the Trust Funds to complete the audit of Defendant's books and records;
- C. \$2,379.77 in interest pursuant to 29 U.S.C. § 1132(g)(2)(B);
- D. \$11,039.05 in liquidated damages pursuant to 29 U.S.C. § 1132(g)(2)(C); and
- E. \$4,930.14 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. *See Free v. Briody*, 793 F.2d 807, 808-09 (7th Cir. 1986).

Date

Judge Manish S. Shah