

EXHIBIT LIST

EXHIBIT A

Order of Default

EXHIBIT B

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
John Libby, Supervisor, Audits & Collections

EXHIBIT C

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
Daniel P. McAnally, Plaintiffs Attorney

Exhibit A

Exhibit A

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

TRUSTEES of the CHICAGO REGIONAL)
COUNCIL OF CARPENTERS PENSION)
FUND, et al.)

Plaintiffs,)

v.)

ELC INSTALLATION COMPANY and)
MARK P. PRZEKWAS d/b/a)
ELC INSTALLATION COMPANY, a sole proprietorship)

Defendants.)

Case No. 16 C 8793
Judge Gettleman

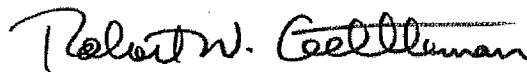
Order of Default

WHEREAS, the Plaintiffs filed their Complaint on September 9, 2016 and the Defendants were served with copies of Summonses and Complaints; and

WHEREAS, the Defendants have failed to answer or otherwise plead; and

NOW THEREFORE, upon application of the Plaintiffs and for good cause shown, a default is hereby entered against the Defendants in accordance with the prayer of the Complaint in the above styled action; and

IT IS HEREBY ORDERED that Defendants, ELC INSTALLATION COMPANY and MARK P. PRZEKWAS d/b/a ELC INSTALLATION COMPANY, a sole proprietorship, submit reports and contributions for the period November and December 2016 to the Plaintiffs within ten days. The Court will retain jurisdiction solely to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2).



ROBERT W. GETTLEMAN
UNITED STATES DISTRICT JUDGE

DATED: 1/18/2017

Exhibit B

Exhibit B

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

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION)	
FUND, et al.)	
)	
Plaintiffs,)	Case No. 16 C 8793
)	Judge Gettleman
v.)	
)	
ELC INSTALLATION COMPANY et al.)	
)	
Defendants.)	

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

John Libby declares as follows:

1. I am the Manager, Audits & Collections for the Chicago Regional Council of Carpenters Pension Fund and the Chicago Regional Council of Carpenters Welfare Fund ("Trust Funds") and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.

2. The Defendants executed an Agreement with the Chicago and Northeast Illinois Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.

3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, the Defendants agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, the Defendants are required to submit monthly reports which list the number of hours worked by its carpenter employees and the Defendants are required to pay contributions based upon the hours listed.

5. The Defendants submitted the contribution reports for the period October 2016 through December 2016 but did not pay the contributions. The reports show that \$75,329.97 is owed in ERISA contributions. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$3,830.71 for the period November 2016 through December 2016.

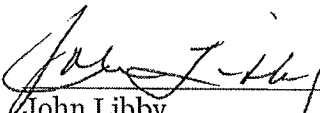
6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$34,722.66 for the period February 2015 through December 2016.

7. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. §1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$270.06.

8. A summary of the total claim for **\$114,153.40** is attached hereto and incorporated herein.

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.

Signature:



John Libby
Manager, Audits & Collections

Dated:

1/31/17

E L C Installation Company
 5635 James Drive
 Oak Forest, Il. 60452

01/23/2017

Account #23852

<u>Contributions</u>		<u>Liquidated Damages</u>	<u>Interest</u>	<u>Dues</u>	<u>Total</u>
Feb-15	\$0.00	\$778.92	\$0.00	\$0.00	\$778.92
Mar-15	\$0.00	\$1,283.37	\$0.00	\$0.00	\$1,283.37
Apr-15	\$0.00	\$1,069.14	\$0.00	\$0.00	\$1,069.14
May-15	\$0.00	\$1,433.00	\$0.00	\$0.00	\$1,433.00
Jun-15	\$0.00	\$1,513.34	\$0.00	\$0.00	\$1,513.34
Jul-15	\$0.00	\$1,609.02	\$0.00	\$0.00	\$1,609.02
Aug-15	\$0.00	\$2,624.69	\$0.00	\$0.00	\$2,624.69
Sep-15	\$0.00	\$1,693.50	\$0.00	\$0.00	\$1,693.50
Oct-15	\$0.00	\$1,859.66	\$0.00	\$0.00	\$1,859.66
Nov-15	\$0.00	\$1,850.84	\$0.00	\$0.00	\$1,850.84
Dec-15	\$0.00	\$1,544.04	\$0.00	\$0.00	\$1,544.04
Jan-16	\$0.00	\$1,309.98	\$0.00	\$0.00	\$1,309.98
Feb-16	\$0.00	\$1,601.77	\$0.00	\$0.00	\$1,601.77
Mar-16	\$0.00	\$532.61	\$0.00	\$0.00	\$532.61
Apr-16	\$0.00	\$1,089.05	\$0.00	\$0.00	\$1,089.05
May-16	\$0.00	\$2,360.37	\$0.00	\$0.00	\$2,360.37
Jun-16	\$0.00	\$1,314.38	\$0.00	\$0.00	\$1,314.38
Jul-16	\$0.00	\$2,488.45	\$0.00	\$0.00	\$2,488.45
Aug-16	\$0.00	\$2,130.19	\$0.00	\$0.00	\$2,130.19
Sep-16	\$0.00	\$1,315.88	\$0.00	\$0.00	\$1,315.88
Oct-16	\$13,232.11	\$1,516.49	\$103.16	\$0.00	\$14,851.76
Nov-16	\$28,001.93	\$845.65	\$126.57	\$1,744.93	\$30,719.08
Dec-16	<u>\$34,095.93</u>	<u>\$511.43</u>	<u>\$40.33</u>	<u>\$2,085.78</u>	<u>\$36,733.47</u>
Totals:	\$75,329.97	\$34,275.77	\$270.06	\$3,830.71	\$113,706.51

Account #51343

<u>Contributions</u>		<u>Liquidated Damages</u>	<u>Interest</u>	<u>Dues</u>	<u>Total</u>
Jul-15	\$0.00	\$159.19	\$0.00	\$0.00	\$159.19
Aug-15	\$0.00	\$64.86	\$0.00	\$0.00	\$64.86
Sep-15	\$0.00	\$41.01	\$0.00	\$0.00	\$41.01
Oct-15	\$0.00	\$108.88	\$0.00	\$0.00	\$108.88
Nov-15	\$0.00	\$64.13	\$0.00	\$0.00	\$64.13
Dec-15	<u>\$0.00</u>	<u>\$8.82</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$8.82</u>
Totals:	\$0.00	\$446.89	\$0.00	\$0.00	\$446.89
Totals:	\$75,329.97	\$34,722.66	\$270.06	\$3,830.71	\$114,153.40

Exhibit C

Exhibit C

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

TRUSTEES of the CHICAGO REGIONAL)	
COUNCIL OF CARPENTERS PENSION)	
FUND, et al.)	
)	
Plaintiffs,)	Case No. 16 C 8793
)	Judge Gettleman
v.)	
)	
ELC INSTALLATION COMPANY et al.)	
)	
Defendants.)	

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

Daniel P. McAnally declares as follows:

1. I am an associate of the law firm of Whitfield & McGann and am licensed to practice law in the State of Illinois and in the U.S. Dist. 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 in excess of 22 years 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. Attorneys of this firm have devoted 24.45 hours in connection with the this case at the rate of \$215.00 per hour. The total attorney fees billings is \$5,256.75.

6. In addition, the filing fee was \$400.00 and the fees for service of process were an additional \$55.00. These costs total \$455.00.

7. I certify that the attorney fees and costs totaling \$5,711.75 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: January 26, 2017

s/ Daniel P. McAnally

Attorney for the Trustees of the Chicago
Regional Council of Carpenters Pension Fund,
et al.