

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

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)
)
Plaintiffs,)
v.) Case No. 16 C 9330
)
PLATINUM SCAFFOLDING SERVICES,)
INC.,)
)
Defendant.)
)
Judge Der-Yeghiayan

AFFIDAVIT OF JEAN MASHOS

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Jean Mashos, first duly sworn on oath, deposes and states as follows:

1. I am the Director of the Field Department employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the Plaintiffs in the above referenced action. My responsibilities include supervising those Field Representatives who have oversight of the collection of amounts owed by various employers, including Platinum Scaffolding Services, Inc. This affidavit is submitted in support of the Laborers' Funds' motion for a prove up of damages.

2. Platinum Scaffolding Services, Inc. ("Platinum") has been a signatory employer since

April 23, 2015, as reflected by the Funds' records and as shown by the collective bargaining agreement in which a true and correct copy of this agreement between the Company and the Construction and General Laborers' District Council of Chicago and Vicinity and its affiliated local ("Union"), is on file with the Funds and attached to the Complaint as Exhibit A.

3. I am aware that the Company submitted its books and records to the Funds' designated auditors from the firm of Bansley and Kiener, LLP, who prepared an audit a report dated May 9, 2016, reflecting unpaid contributions owed for the period from October 1, 2014 through December 31, 2015. I reviewed the report which shows that principal contributions are owed to the Welfare, Retiree Welfare, Pension, Training, and LECET, LDCLMCC, CAICA Funds and for Union dues in the amount of \$54,938.53. These principal contributions have been paid.

4. The respective Agreements and Declarations of Trust of the Laborers Funds, to which Platinum is bound require payment of liquidated damages in the amount of 20 percent of the principal for the Welfare, Retiree Welfare, Pension and Training, LDCLMCC, CAICA, and LECET Funds and for Union dues. Damages are owed in the amount of twenty percent to the Welfare Retiree Welfare, Pension and Training Funds. Damages in the amount of ten percent are owed for the LDCLMCC, LECET and for dues. Interest is owed at the rate of 12% on all delinquent amounts owed from the date of the delinquency forward. It is my responsibility to prepare the damage and interest calculations.

5. For the Welfare, Retiree Welfare, Pension and Training Fund, penalties are owed in the amount of \$10,332.48. Penalties are owed for Union dues, LDCLMCC, and LECET Funds in the amount of \$ 459.02.

6. Interest has been determined for unpaid Funds' contributions in the amount of

\$7,649.18 through September 26, 2016.

7. Platinum does not have a bond on file with the Funds and is obligated according to the collective bargaining agreement to obtain a surety bond in the amount of \$5,000.00.

FURTHER AFFIANT SAYETH NOT.

Subscribed and sworn to before me
this 27 day of December 2016.

Susan M. Diforti
NOTARY PUBLIC

Jean Mashos
Jean Mashos

