

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. 17 cv 1262
)
) Judge Leinenweber
v.)
)
HUGH HENRY CONSTRUCTION CO.)
)
Defendant.)

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 Defendant entered into a Settlement Agreement ("Agreement") with the Trust Funds that required partial payments to the Trust Funds to satisfy the agreed upon settlement amount, a copy of the Agreement is attached to this motion as Exhibit A. The Defendant paid the first three payments totaling \$53,779.28 but failed to pay the last payment of \$17,926.42.

3. As a result, the Defendant is in default. Pursuant to the Agreement, if the Defendant defaulted on the payments, the Trust Funds retained the right to request judgment for the balance of the amounts owed under Agreement plus all unpaid ERISA contributions incurred, accrued interest, liquidated damages and attorney fees.

4. The Defendant submitted contribution reports for the period April 2017 through May 2017 but did not pay the contributions. The reports show that \$18,662.88 is owed in ERISA contributions. The Defendant also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$1,187.38 for the period April 2017 through May 2017.

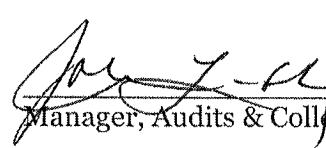
5. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$1,009.43 for the period October 2016 through May 2017.

6. 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 \$55.58.

7. Additionally, the Defendant submitted a NSF check for \$1,035.65 and the fund office is currently holding a payment of \$2,073.58 in escrow.

8. A summary of the total claim for \$37,803.76 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: 
Manager, Audits & Collections

Dated: 7/18/17

Hugh Henry Construction
Account 25267

7/10/2017

Additional Amounts Owed for Default of Agreed Order

Month	Fringes	Dues	LDs	Interest	Total
Oct-16	\$ -	\$ -	\$ 125.67	\$ 0.79	\$ 126.46
Nov-16	\$ -	\$ -	\$ 167.39	\$ 0.63	\$ 168.02
Dec-16	\$ -	\$ -	\$ 101.56	\$ 0.19	\$ 101.75
Jan-17	\$ -	\$ -	\$ -	\$ -	\$ -
Feb-17	\$ -	\$ -	\$ 37.61	\$ -	\$ 37.61
Mar-17	\$ -	\$ -	\$ 149.05	\$ -	\$ 149.05
Apr-17	\$ 9,750.40	\$ 612.48	\$ 294.46	\$ 44.07	\$ 10,701.41
May-17	\$ 8,912.48	\$ 574.90	\$ 133.69	\$ 9.90	\$ 9,630.97
Total	\$ 18,662.88	\$ 1,187.38	\$ 1,009.43	\$ 55.58	\$ 20,915.27

Balance of Agreed Order from March 2017	\$ 17,926.42
NSF Hugh Henry Check # 2872	\$ 1,035.65
Payment in Escrow	\$ (2,073.58)
Total Less Attorney Fees	<u><u>\$ 37,803.76</u></u>