

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

BIRLA PRECISION TECHNOLOGIES, INC., Plaintiff,	)	
	)	Case No. 1:17-cv-3125
v.	)	
	)	Judge Elaine E. Bucklo
ERI AMERICA, INC., Defendant.	)	Magistrate Judge M. David Weisman

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**AFFIDAVIT OF SERVICE**

I, Scott A. Schaefers, state:

1. I am the counsel of record for plaintiff Birla Precision Technologies, Inc. ("Birla").
2. On August 25, 2017, I served Birla's attached **Citation Notice** and **Citation to Discover Assets to Third Party Fifth Third Bank** ("Citation") on the following parties by the methods indicated:
  - a. Fifth Third Bank, c/o Lukasz Malinowsky, personal banker, white male, approx. 175 lbs., approx. 35 years old, located at 1 S. Dearborn St., Chicago, IL 60603, by personal delivery at approximately 1:15 p.m.; and
  - b. Judgment debtor ERI America, Inc., c/o James A. Marino, registered agent, 5521 N. Cumberland Ave., Ste. 1109, Chicago, IL 60656, by U.S. Mail, postage prepaid, by placing the Citation Notice and Citation in an envelope addressed as above, and depositing the sealed envelope in a U.S. Mailbox located at 30 N. LaSalle St., Chicago, IL 60602 at approximately 1:30 p.m.
3. Also on August 25, 2017, I served this Affidavit of Service on the judgment debtor, c/o its registered agent listed above by the method indicated above at the time listed above.

Pursuant to 28 U.S.C. § 1746(2) and subject to penalty of perjury, I declare that the foregoing statements are true and correct to the best of my information and belief.



\_\_\_\_\_  
Scott A. Schaefers

Date: August 25, 2017

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

BIRLA PRECISION TECHNOLOGIES, INC., Plaintiff,	)
	) Case No. 1:17-cv-3125
v.	)
	) Judge Elaine E. Bucklo
ERI AMERICA, INC., Defendant.	) Magistrate Judge M. David Weisman

CITATION NOTICE

**Citation To:** Fifth Third Bank, 1 S. Dearborn St., Chicago, IL 60603 ("Respondent")

**Judgment Debtor:** ERI America, Inc.

**Judgment Creditor:** Birla Precision Technologies, Inc.

**Attorney for Judgment Creditor:** Scott A. Schaefer, Brotschul Potts LLC  
30 N. LaSalle St., Ste. 1402, Chicago, IL 60602

**Address of Court:** Everett McKinley Dirksen United States Courthouse,  
219 S. Dearborn St., Chicago, IL 60604.

**Amount of Judgment:** \$157,783.30


**Location, Date, and Time (Answer and Documents):** Brotschul Potts LLC, 30 N. LaSalle St., Ste. 1402,  
Chicago, IL 60602 on September 15, 2017, 2:00 p.m.

NOTICE TO JUDGMENT DEBTOR: The Court has issued a citation to the Respondent named above. The citation directs the Respondent to complete and return the answer form attached to the citation, and produce the documents identified in Rider B, on or before the date listed. The citation was issued based on a judgment against the Judgment Debtor in favor of the Judgment Creditor in the amount stated above. At the appropriate time, the Court may compel the application of any discovered income or assets toward payment on the judgment.

DATE: August 25, 2017

Scott A. Schaefer  
BROTSCHUL POTTS LLC  
30 N. LaSalle St., Ste. 1402  
Chicago, IL 60602  
Phone: (312) 268-6795  
Email: [sschaefer@brotschulpotts.com](mailto:sschaefer@brotschulpotts.com)

BIRLA PRECISION TECHNOLOGIES, INC.,  
Judgment Creditor.

By:   
Scott A. Schaefer, one of its attorneys

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

BIRLA PRECISION TECHNOLOGIES, INC., Plaintiff, )  
v. ) Case No. 1:17-cv-3125  
ERI AMERICA, INC., Defendant. ) Judge Elaine E. Bucklo  
Magistrate Judge M. David Weisman

**CITATION TO DISCOVER ASSETS TO A THIRD PARTY**

To: Fifth Third Bank, 1 S. Dearborn St., Chicago, IL 60603

**YOU ARE COMMANDED** to provide, on or before September 15, 2017, a sworn answer to this citation in the attached form, to (a) the Clerk of the District Court, 219 S. Dearborn St., 20th Floor, Chicago, IL 60604, (b) attorney for Judgment Creditor, Scott A. Schaefer, Brotschul Potts LLC, 30 N. LaSalle St., Ste. 1402, Chicago, IL 60602, and (c) ERI America, Inc., c/o James A. Marino, registered agent, 5521 N. Cumberland Ave., Ste. 1109, Chicago, IL 60656.

**YOU ARE ALSO COMMANDED** to produce, on or before September 15, 2017, all documents identified in attached RIDER B, to the attorney for Judgment Creditor, Scott A. Schaefer, Brotschul Potts LLC, 30 N. LaSalle St., Ste. 1402, Chicago, IL 60602.

A judgment against ERI America, Inc. (the "Judgment Debtor") was entered in the United States District Court for the Northern District of Illinois on June 9, 2017, in the amount of \$157,783.30. The total amount outstanding as of August 25, 2017 is \$160,779.02, and per diem interest accruing on the judgment, pursuant to 735 ILCS 5/2-1303, is \$37.91.

**YOU ARE PROHIBITED** from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to Judgment Debtor or to which Judgment Debtor may be entitled or which may thereafter be acquired by or become due to Judgment Debtor, and from paying over or otherwise disposing of any funds not so exempt, which are due or to become due to Judgment Debtor, until further order of Court or termination of the proceeding, whichever occurs first. You are not required to withhold the payment of any funds beyond double the amount of the Judgment.

**WARNING:** Your failure to comply with the citation proceeding may result in a judgment being entered against you for the unsatisfied amount of the judgment. 735 ILCS 5/2-1402(f)(1).

**WARNING:** If you fail to respond to this citation as directed, you may be arrested and brought before the court to answer to a charge of contempt of court, which may be punishable by imprisonment.

THOMAS G. BRUTON

Clerk of Court

By: Lakisha C. Williams

Deputy Clerk

Date: AUG 25 2017

CERTIFICATION OF JUDGMENT

Note: This citation must be accompanied at the time of service by either a copy of the underlying judgment or a certification by either the Clerk that entered the judgment or the attorney for the Judgment Creditor setting forth:

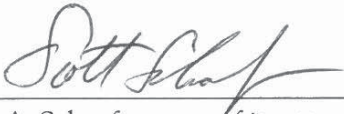
On June 9, 2017, the United States District Court for the Northern District of Illinois entered a judgment in favor of Judgment Creditor and against Judgment Debtor in the amount of \$157,783.30. As of August 25, 2017, the total outstanding balance on the judgment and post-judgment interest which remains unsatisfied is \$160,779.02. A true and correct copy of the judgment is attached.

The undersigned certifies, pursuant to 28 U.S.C. § 1746(2) and subject to penalty of perjury, that the preceding information is true and correct.

DATE: August 25, 2017

Scott A. Schaefer  
BROTSCHUL POTTS LLC  
30 N. LaSalle St., Ste. 1402  
Chicago, IL 60602  
Phone: (312) 268-6795  
Email: [sschaefer@brotschulpotts.com](mailto:sschaefer@brotschulpotts.com)

BIRLA PRECISION TECHNOLOGIES, INC.,  
Judgment Creditor.

By:   
Scott A. Schaefer, one of its attorneys



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

Birla Precision Technologies, Inc.,

Plaintiff(s),

v.

ERI America, Inc.,

Defendant(s).

Case No. 17cv3125  
Judge Elaine E. Bucklo

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)  
and against defendant(s)  
in the amount of \$ ,

which ☐ includes pre-judgment interest.  
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

☐ in favor of defendant(s)  
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

☒ other: Judgment is hereby entered in favor of Plaintiff and against Defendant in the amount of \$157,783.30 which includes compensatory damages, prejudgment interest, and costs.

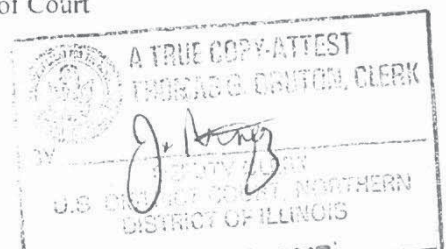
This action was (check one):

- ☐ tried by a jury with Judge      presiding, and the jury has rendered a verdict.  
☐ tried by Judge      without a jury and the above decision was reached.  
☒ decided by Judge Elaine E. Bucklo on a motion

Date: 6/9/2017

Thomas G. Bruton, Clerk of Court

Elisa Perez, Deputy Clerk



THIRD PARTY RESPONDENT ANSWER TO CITATION TO DISCOVER ASSETS

Case Name: Birla Precision Technologies, Ltd.  
v. ERI America, Inc.

Court and No.: U.S. Dist. Ct. N.D. Illinois  
Case No. 17-cv-3125

Judgment Debtor: ERI America, Inc.

Answer Deadline: September 15, 2017, 2:00 p.m.

Fifth Third Bank ("Respondent"), certifies under penalty of perjury that with regard to the property of the Judgment Debtor ERI America, Inc., Respondent files the following answer to this Citation to Discover Assets and is in possession of the following property of the Judgment Debtor:

Select one or more of the following and indicate the amount withheld:

- A. Savings Account \$ \_\_\_\_\_
- B. Checking and/or Now Account \$ \_\_\_\_\_
- C. Certificate of Deposit \$ \_\_\_\_\_
- D. Money Market Account \$ \_\_\_\_\_
- E. Trust Account \$ \_\_\_\_\_
- F. Safety Deposit Box \$ \_\_\_\_\_
- G. Wages, Salary or Commission \$ \_\_\_\_\_
- H. No Accounts (check here) ☐
- I. Other Personal Property (describe)  
\_\_\_\_\_ \$ \_\_\_\_\_
- Less right of offset for other loans \$ \_\_\_\_\_
- Less deduction for fees limited by  
205 ILCS 5/48.1 \$ \_\_\_\_\_
- TOTAL AMOUNT WITHHELD: \$ \_\_\_\_\_

J. Adverse Claimant Name \_\_\_\_\_  
Address \_\_\_\_\_

According to the business records kept by Respondent, we show the above information to be correct.

Name: \_\_\_\_\_  
Business name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

Signature

Date

RIDER B

PLEASE REVIEW THIS LIST CAREFULLY AND GATHER AND PRODUCE ALL DOCUMENTS ON THE LIST. YOUR FAILURE TO DO SO MAY RESULT IN AN ORDER FOR CONTEMPT OF COURT.

Any and all documents, whether electronically stored, on paper, or in which any information is recorded or memorialized, pertaining to, relating to and/or referring to any and all real property, personal property, tangible property, and intangible property, in part or in whole, belonging to, maintained by, and/or controlled by **ERI America, Inc.** ("Judgment Debtor"), whether individually, jointly, severally, beneficially, contingently or expectantly, and any other documents in your possession or control which may contain information concerning the property or income of, or indebtedness due judgment debtor. These documents include, but are not limited to or by, the following and any and all documents pertaining to, referring to, relating to, evidencing and/or supporting the following:

1. All statements for all bank accounts in Judgment Debtor's name or for its benefit since January 1, 2010, including for all checking accounts, savings accounts, money market accounts, mutual fund accounts, trust accounts, deposit accounts, safe deposit boxes, and other accounts.
2. All statements for all other brokerage, commodity, or other financial institution account in Judgment Debtor's name or for its benefit since January 1, 2010.
3. All of Judgment Debtor's financial statements, including balance sheets, income statements, cash flow statements, profit/loss reports, and other financial statements.
4. All signature cards and agreements with Judgment Debtor, whether with Citation Respondent or any third party, and all exhibits, schedules, attachments, and amendments or modifications of such agreements.
5. All invoices, statements, or other requests for payment issued by Judgment Debtor or on its behalf.
6. Records showing all payments made to Judgment Debtor, or for its benefit.
7. Records showing all payments made by Judgment Debtor, or on its behalf.
8. Records showing all collateral belonging to Judgment Debtor, or in which it has an interest.
9. Records showing all other assets or property belonging to Judgment Debtor, or in which it has an interest.
10. Records showing all income belonging to Judgment Debtor, or in which it has an interest.