

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

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

CITATION NOTICE

Citation To: American Express Company and all subsidiaries and affiliates (together, "Respondent")
c/o Office of General Counsel, 200 Vesey St., New York, NY 10285

Judgment Debtor: ERI America, Inc. (FEIN 20-0163524)

Judgment Creditor: Birla Precision Technologies, Inc.

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

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

Amount of Judgment: \$157,783.30 **Judgment Balance Due:** \$162,685.39

Answer Location, Deadline: Brotschul Potts LLC, 30 N. LaSalle St., Ste. 1402, Chicago, IL 60602, November 3, 2017, 2:00 p.m.

NOTICE: 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.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTION AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

1. Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; veteran's benefits; public assistance benefits; unemployment benefits; compensation benefits; workers compensation benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor.
2. Under Illinois law, every person is entitled to an estate in homestead, when owned and occupied as a residence to the extent in value of \$15,000, which homestead is exempt from judgment.
3. Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (1) 15% of the gross amount paid for that week, or (2) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, as amended, or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater, in effect at the time the amounts are payable.
4. Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (1) 25% of disposable earnings for a week or (2) the amount by which disposable earnings for a week exceed 30 times the Federal Minimum Hourly Wage.
5. Pension and retirement benefits may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law. 735 ILCS 5/12-1001.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the Clerk in writing at 219 S. Dearborn St., 20th Floor, Chicago, IL 60604. When so notified the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location for the hearing. This notice may be sent by regular first-class mail.

Attorney for Judgment Creditor

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



Signature of Attorney for Judgment Creditor

Date: October 13, 2017

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

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

CITATION TO DISCOVER ASSETS TO A THIRD PARTY

To: American Express Company and all subsidiaries and affiliates (together, "Respondent")
c/o Office of General Counsel, 200 Vesey St., New York, NY 10285

YOU ARE COMMANDED to provide, on or before November 3, 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 November 3, 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 in favor of Birla Precision Technologies, Inc. and against ERI America, Inc. (FEIN 20-0163524, the "Judgment Debtor") was entered on June 9, 2017 in the United States District Court for the Northern District of Illinois, Case No. 17-cv-3125, in the amount of \$157,783.30. The total amount outstanding as of October 13, 2017 is \$162,685.39, and per diem interest accruing on the judgment, pursuant to 735 ILCS 5/2-1303, is \$38.91.

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.

CERTIFICATE OF ATTORNEY

Amount of Judgment: \$157,783.30 Balance Due: \$162,685.39
Date of Judgment: June 9, 2017 Court and No.: U.S. District Court, Northern District of Illinois, Case No. 17-cv-3125


The undersigned, pursuant to 28 U.S.C. § 1746(2) and subject to penalty of perjury, certifies that the information set forth above is true and correct to the best of his information and belief.



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

THOMAS G. BRUTON

WITNESS: _____
Clerk of Court

By:  _____
Deputy Clerk

Date: OCT 13 2017

THIRD PARTY RESPONDENT ANSWER TO CITATION TO DISCOVER ASSETS

Case Name: Birla Precision Technologies, Inc. (Judgment Creditor) v. ERI America, Inc. (Judgment Debtor)
Court/No.: U.S. District Court, Northern District of Illinois, Case No. 17-cv-3125
Judgment Amount: \$157,783.30 Judgment Balance Due: \$162,685.39
Answer Deadline: November 3, 2017, 2:00 p.m.

American Express Company and all subsidiaries and affiliates ("Respondent"), certifies under penalty of perjury that with regard to the property of the Judgment Debtor ERI America, Inc. (FEIN 20-0163524), 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. Accounts payable to Judgment Debtor \$ _____
- B. Bond or other security posted by Judgment Debtor \$ _____
- C. Other indebtedness owed to Judgment Debtor \$ _____
- D. Savings Account \$ _____
- E. Checking and/or Now Account \$ _____
- F. Certificate of Deposit \$ _____
- G. No Accounts (check here)
- H. 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: \$ _____

I. 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.** (FEIN 20-0163524, "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 invoices, bills, statements, or other requests for payment received from Judgment Debtor since January 1, 2016.
2. All contracts or agreements with Judgment Debtor since January 1, 2016, including all amendments, exhibits, schedules, and attachments.
3. Records showing all banks or financial institutions at which Judgment Debtor has any accounts.
4. Records showing all payments made to Judgment Debtor, including the amount paid, the date of payment, the method of payment, and the account to which payment was made.
5. Records showing all payments or deposits made by Judgment Debtor, or on its behalf.
6. Records showing all bonds or other securities posted by Judgment Debtor, or on its behalf.
7. Records showing all collateral belonging to Judgment Debtor, or in which it has an interest.
8. Records showing all other assets or property belonging to Judgment Debtor, or in which it has an interest.
9. Records showing all income belonging to Judgment Debtor, or in which it has an interest.
10. Records showing all indebtedness owed to Judgment Debtor.