

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

TERRENCE J. HANCOCK, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 21 C 178
)	
WAYNE'S TRUCKING, LLC, an Illinois)	JUDGE JOHN J. THARP, JR.
limited liability company,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

RICHARD J. CLARSON, first being duly sworn upon his oath, deposes and says:

1. I am now, and have since January 1, 2012, been employed as Fund Administrative Manager by the Trustees of the Health and Welfare Fund of the Excavating, Grading and Asphalt Craft Local No. 731, Local No. 731, I.B. of T., Excavators and Pavers Pension Trust Fund, and Teamsters Local Union No. 731 Garage Attendants, Linen and Laundry Health and Welfare Fund (hereinafter the "Funds"). I have personal knowledge of the matters set forth and, if called as a witness in these proceedings, I am competent to testify about those matters.

2. Among my responsibilities and duties, I am charged with keeping and maintaining records of contributions received by the Plaintiffs from participating employers, maintaining individual records on each person, firm, and corporation required to make contributions to the Plaintiffs Funds, receiving and recording contributions reports made by such persons, firms or

corporations, has under my supervision and direction all books, records, documents and papers relating to such Plaintiffs Funds, and has been delegated the authority by all other Plaintiffs to coordinate and supervise the recovery of delinquent employer contributions on their behalf, receiving thereby access to all necessary information.

3. I have examined the account of Defendant, WAYNE'S TRUCKING, LLC, an Illinois limited liability company, in the above-entitled action, and state that said, Defendant:

- a. Is required to submit monthly contribution reports accompanied by payment of fringe benefit contributions, under the terms of a written agreement specifying and describing such obligation;
- b. Has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it, or all of them, despite repeated notification from my office to said Defendant of such delinquency.

4. Defendant has by its failure to submit the required monthly contribution reports due for the time periods June 2020 through August 2020 and November 2020 through April 2021, concealed the number of hours for which contributions are due. Based upon my review of the Defendant's reporting history, I believe a reasonable estimate of the concealed contributions due for the aforesaid months is \$44,345.61.

5. The amount of \$8,869.13 is due for 20% liquidated damages and \$2,134.40 is due for interest, for a total of \$11,003.53.

6. I am duly authorized by Plaintiffs in the making of this Affidavit, have personal knowledge of the matters set forth above, and if called as a witness am competent to testify thereto.

7. I make this Affidavit in support of the application of Plaintiffs for entry of judgment and request that this Court consider it as proof in support of the allegations contained in the Complaint and such other facts as herein set forth.

FURTHER AFFIANT SAYETH NOT.

/s/ Richard J. Clarson

SUBSCRIBED AND SWORN
TO before me this 26th
day of May 2021.

/s/ Cindy Perna
NOTARY PUBLIC

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that he electronically filed the foregoing document (Affidavit of Richard J. Clarson) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 3rd day of June 2021:

Mr. Wayne S. Turman, Registered Agent
Wayne's Trucking, LLC
24363 Newport Drive
Crete, IL 60417-2626

/s/ Cecilia M. Scanlon

Cecilia M. Scanlon
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