

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

THE CONSTRUCTION INDUSTRY WELFARE)
FUND OF ROCKFORD, ILLINOIS;)
THE CONSTRUCTION INDUSTRY)
RETIREMENT FUND OF ROCKFORD,)
ILLINOIS; AND BRICKLAYERS and ALLIED)
CRAFTWORKERS LOCAL 6, ILLINOIS,)

Plaintiffs,)

v.)

MASONRY STRUCTURES, INC.,)
An Illinois Corporation)

Defendant.)

CASE NO. 08 C 50065
Judge: Kapala
Magistrate Judge: Mahoney

AFFIDAVIT OF JIM FARONE

JIM FARONE, being first duly sworn on oath, deposes and states as follows:

1. I am the Administrative Director of The Construction Industry Welfare Fund of Rockford, Illinois and The Construction Industry Retirement Fund of Rockford, Illinois (hereinafter collectively referred to as the "Funds"), Plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Defendant, Masonry Structures, Inc. (hereinafter "Masonry Structures" or the "Company"). This Affidavit is submitted in support of the Funds' Motion for Entry of Judgment. I have personal knowledge regarding the statements contained herein.
2. On April 14, 2000, Masonry Structures entered into a Collective Bargaining Agreement with the Bricklayers & Allied Craftworkers Local Union No. 6, Illinois binding

the Company to the Agreements and Trust Agreements of the Plaintiffs in this matter.

See Exhibit D-1.

3. The Agreements and Trust Agreements to which the Company is bound require that the Company submit benefit reports and contributions by the fifteenth (15th) day of the following month. Payments which are not received by the twenty-fifth (25th) day of the month after the work was performed are required to pay an additional amount of ten percent (10%) in liquidated damages. The Agreements and the Funds' respective Agreements, also obligate the Company to submit its books and records to the Funds for periodic audits to determine benefit contribution compliance.

4. Masonry Structures submitted its books and records to an audit. Pursuant to the audit, the Company owes Three Thousand One Hundred Thirty Two Dollars and ninety cents (\$3,132.90) in contributions for hours worked from January 1, 2005 through June 30, 2007. In addition, the audit fees for the audit are six hundred and fifty dollars (\$650.00) and pursuant to the Agreements to which Defendant is bound, the Company is liable for this fee. *See Exhibit A.*

5. In addition to the above, the Company owes One Thousand Nine Hundred Ninety Nine Dollars and fifty six cents in liquidated damages for contributions that were not paid on time. *See Exhibit B.*

6. The Company also owes legal fees and costs in the amount of Five Thousand Eight Hundred Twenty Seven Dollars and three cents (\$5,827.03) that the Funds have incurred in trying to collect on these delinquencies. *See Exhibit C.*

FURTHER AFFIANT SAYETH NOT

Dated this 15th day of January 2009

By  _____
Jim Farone

Sworn and subscribed to before me
This 13 day of January 2009

By  _____
Notary Public