

MARC M. PEKAY  
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LAW OFFICES OF  
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December 17, 2008

Ed MacDonald  
MacDonald Construction Services, Inc  
308 Oakleaf Road  
Lake in the Hills, IL 60156

Re: Construction Industry Welfare Fund, et al. v.  
MacDonald Construction Services, Inc.  
Case No. 08 C 50149


Dear Mr. MacDonald:

You were previously sent a letter back in November 2008 seeking a response to the audit. To date, you have not responded. We also previously had to file a Motion for Judgment to which you responded by appearing in Court stating that you would now cooperate, however, you have failed to do so. The Funds are now no longer willing to allow me to delay this matter and we must now seek a response or we will have to again file a Motion for an Entry of Judgment and as you have already been informed, this will include all additional legal fees and costs of the audit.

I would also like to state that while last time the Funds were willing to withdraw the Motion for Judgment based upon your promise to cooperate, the next motion for Judgment will not be so willingly withdrawn. This letter should serve as one more opportunity to respond and resolve this matter before you are going to have to defend this lawsuit.

Therefore, you have seven (7) days from the date of this letter to provide to me with any documents or challenges to the audit. If I do not hear from you, I will then proceed with the Motion for Judgment. It is now in your interest to comply with this request. There will be no further extensions of time to submit this information.

Very truly yours,

  
Idala Strouse

cc: James Farone, Construction Industry Funds

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November 24, 2008

Ed MacDonald  
MacDonald Construction Services, Inc  
308 Oakleaf Road  
Lake in the Hills, IL 60156

Re: Construction Industry Welfare Fund, et al. v.  
MacDonald Construction Services, Inc.  
Case No. 08 C 50149

Dear Mr. MacDonald:

On October 10, 2008, I forwarded to you an amended audit involving the Construction Industry Fringe Benefit Funds. I am enclosing a copy of that letter. I have not heard from you even though you had appeared in Court and indicated you would now cooperate. As set forth in my prior letter, this matter is continued until December 12, 2008, and I have not yet heard any response to the audit. If I do not hear from you within seven (7) days from the date of this letter, I will have no alternative but to file a motion set for December 12, 2008, for the Entry of a Judgment against MacDonald Construction Services for this amount on the audit plus legal fees and audit costs as set forth in my letter to you dated October 10, 2008. I will also add additional legal fees that have now incurred in order to compel your cooperation.

Very truly yours,

Marc M. Pekay

MMP/jf  
Enclosure

cc: James Farone, Construction Industry Funds