

Exhibit H

2. Plaintiff, DEBORAH MEYER, is a citizen of the State of Illinois.
3. Defendant, THE LOCKFORMER COMPANY, a Division of MET-COIL SYSTEMS CORPORATION (hereinafter "LOCKFORMER"), is a Delaware corporation having its principal place of business in the State of Iowa.
4. Defendant, MESTEK, INC. (hereinafter "MESTEK"), is a Pennsylvania corporation having its principal place of business in the State of Massachusetts.
5. Defendant, HONEYWELL INTERNATIONAL, INC. (hereinafter "HONEYWELL"), is a Delaware corporation.
6. Complete diversity exists herein.
7. In excess of Seventy Five Thousand (\$75,000.00) Dollars, exclusive of interest and/or costs, is in controversy herein.

II. STATEMENT OF CLAIMS

8. Plaintiff incorporates by reference Paragraphs 1 through 7 as if fully rewritten herein.
9. Plaintiff, DEBORAH MEYER, resides and formerly resided with plaintiff's decedent, NICHOLAS MEYER, at 5230 Oakview Drive, Lisle, Illinois 60532.
10. At all times relevant herein, LOCKFORMER was and/or is engaged in the business of metal fabrication and manufacturing, and is located at 711 Ogden Avenue, Lisle, Illinois (the LOCKFORMER site).
11. LOCKFORMER was, in October of 2000, merged into, and became a division of Met-Coil Systems Corporation.
12. MESTEK owns and operates LOCKFORMER, and has done so since purchasing the entity in approximately June of 2000.

13. The LOCKFORMER site is located north and east, and hydrologically upgrading from plaintiff's residence and potable water source.

14. During the course of its business operations, LOCKFORMER has engaged in the use of chlorinated solvents, including trichloroethylene (hereinafter "TCE").

15. LOCKFORMER maintained and used a solvent storage tank upon the roof of its facility at the LOCKFORMER site from approximately 1968 until and including 1997.

16. LOCKFORMER'S rooftop storage tank was filled with chlorinated solvents, including TCE, via a fill pipe that was affixed to the western wall of the LOCKFORMER facility.

17. Allied Signal, Inc. (Honeywell's predecessor) supplied LOCKFORMER with chlorinated solvents, including TCE, from approximately 1970 until approximately 1992. Allied Signal has merged into and became known as Honeywell International (defendant HONEYWELL) prior to the commencement of this action. Allied Signal, Inc., as a separate and distinct entity, no longer exists, and Honeywell International has assumed any and all of Allied Signal's rights and/or obligations.

18. During the time period beginning in approximately 1968 and ending in approximately 1999, chlorinated solvents, including TCE, were released into the environment as a result of one or all of the following negligent acts:

- (a) As the result of HONEYWELL'S failure to exercise reasonable care, TCE was released into the environment at the LOCKFORMER site at and/or near the fill pipe during the course of filling the rooftop storage tank;
- (b) As a result of LOCKFORMER'S failure to exercise reasonable care, TCE was released into the environment at the LOCKFORMER site at and/or

near the fill pipe, as well as including, but not limited to, through LOCKFORMER'S drains, floor, through the floor of LOCKFORMER'S vapor degreaser pit, and/or by other means, including LOCKFORMER'S ventilation;

- (c) MESTEK failed to exercise reasonable care in its ownership, management, and monitoring of LOCKFORMER with respect to LOCKFORMER'S procurement, use, handling, and/or disposal of chlorinated solvents, including TCE.

19. As a direct and proximate result of the foregoing negligent acts and/or omissions, a plume of toxic chemicals, including TCE, formed at and beneath the ground surface at the LOCKFORMER site.

20. As a direct and proximate result of the foregoing negligent acts and/or omissions, a plume of toxic chemicals, including TCE, has contaminated the soils and ground water systems in, beneath, and near the LOCKFORMER site.

21. As a direct and proximate result of the foregoing negligent acts and/or omissions, toxic chemicals, including TCE, have migrated throughout the area in and/or surrounding the LOCKFORMER site, and has contaminated various residences, and potable water supplies in the Village of Lisle.

22. As a direct and proximate result of the foregoing negligent acts and/or omissions, toxic chemicals, including TCE, migrated to and/or upon and/or beneath the property upon which plaintiff, DEBORAH MEYER, resides, and upon which plaintiff's decedent, NICHOLAS MEYER, resided.

23. As a direct and proximate result of the foregoing negligent acts and/or omissions, toxic chemicals, including TCE, migrated to and came in contact with the potable water supplies serving the residents of plaintiff, DEBORAH MEYER, and plaintiff's decedent, NICHOLAS MEYER.

24. As a direct and proximate result of the foregoing negligent acts and/or omissions, toxic chemicals, including TCE, have come in contact with the person of plaintiff's decedent, NICHOLAS MEYER.

25. Plaintiff's decedent, NICHOLAS MEYER, was diagnosed with advanced kidney cancer in April of 2000.

26. Plaintiff's decedent, NICHOLAS MEYER, had no known failing history or genetic predisposition to diseases of the kidneys, nor of cancer, and did not engage in any activities that had been shown to cause diseases of the kidneys.

27. On April 13, 2000, after exhausting all medical treatments for his disease, plaintiff's decedent, NICHOLAS MEYER, died.

28. TCE is a known human carcinogen and is as well clinically proven to cause diseases of the kidneys, including cancer.

29. On October 4, 2001, the United States Environmental Protection Agency, by and through the Superfund Division Director, entered an order containing findings of fact and conclusions of law. Among the findings of fact so found include that:

The current legal owner and operator of the site is The Lockformer Company. The Lockformer Company is a wholly-owned subsidiary of Met-Coil Systems Corporation. In June of 2000, Mestek, Inc. purchased Met-Coil and thereby owns and operates both Lockformer and Met-Coil.

The site consists of a one-story metal fabricating plant and associated office space and land where releases have occurred and contamination has come to be located. Lockformer manufactures parts and equipment for the metal fabricating business. Lockformer's metal fabrication processes involve the use of a trichloroethylene vapor degreaser located inside the building in a degreaser tank and pit. From approximately 1970 to 1992, the degreaser pit drew its TCE from a 500 gallon storage tank located on the roof of the facility. Degreaser spills occurred at the site

during delivery of TCE to the TCE storage tank. The tank was filled at regular intervals via a refilling line which extends down the west side of the facility.

Contaminated soil was first discovered at the site in the Fall of 1991 during underground utility (water line) repair work conducted on the west side of the building. In 1992, Lockformer conducted soil sampling and detected TCE in concentrations as high as 680,000 parts per billion (PPB) in soil at the site. Additional soil and ground water samples collected in 1995 in the vicinity of the refilling line showed the presence of TCE at maximum concentrations of 960,000 parts per billion in the soil. Lockformer conducted an additional assessment of TCE releases, and a report dated February 14, 1997 documents TCE contamination in onsite ground water monitoring wells at levels as high as 68,000 parts per billion. Technical reports prepared by Lockformer in 1997 and 1998 indicated that surface drainage is to the south and that the storm water drain terminated in a neighboring residential yard. The reports also concluded that TCE contamination at the site had migrated downward and laterally to a sand layer impacting ground water at a depth of 56 feet.

On December 18, 19 and 20, 2000, the Illinois EPA collected samples from private wells at 48 homes located near Front Street, which is located approximately 1,200 feet south of the Lockformer site. Of the 48 private well water samples collected, 34 samples showed the presence of TCE, and 9 showed the presence of TCE in excess of 5 PPB. . . . The contaminated wells are located in an unincorporated area. The unincorporated neighborhood is refusing annexation by neighboring Lisle, which must annex it to connect it with the public water supply system.

On January 22, 2001, Lockformer entered into an agreed order with the State of Illinois. The agreed order required Lockformer to bring to among other things, conduct a comprehensive volatile organic compounds investigation and delineate the nature and extent of the contamination caused by the TCE spills at the site, and to provide bottled water to the residents affected by the contaminated wells. Under that order, Lockformer has been providing bottled water to potentially affected residences. Pursuant to the agreed order, well installation was initiated in June of 2001; soil sampling, sewer investigation and sampling, monitoring well installation are being conducted; and

ground water elevations and additional data are being collected.

On March 13, 2001, the IEPA referred the site to the U.S. EPA for a time critical removal action to address source areas at the site on an expedited basis.

30. On October 4, 2001, the United States Environmental Protection Agency, by and through the Superfund Division, also adopted several conclusions of law and determinations, including:

The conditions described in the findings of fact above constitute an actual or threatened release into the environment. . .

The conditions present at the site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended (NCP), 40 CFR Part 300. These factors include, but are not limited to, the following:

Actual or potential contamination of drinking water supplies or sensitive ego systems; this factor was present at the site due to the existence of high levels of TCE in the surface and subsurface soils and ground water. Studies conducted by Lockformer have documented that TCE contamination is migrating vertically and horizontally toward the sand and gravel deposits and ultimately to the bedrock aquifer. Sampling by IPEA from private wells and monitoring wells found levels of TCE above the maximum contaminate level of 5 parts per billion.

High levels of hazardous substances or pollutants or contaminants in the soil as largely at or near the surface that may migrate; this factor is present at the site due to the existence of very high levels of TCE that have been documented to be released to the soil and ground water. The TCE in the surface soil and subsurface soil is an ongoing source of ground water contamination which is migrating vertically and horizontally and will continue to migrate to the bedrock aquifer causing further ground water contamination.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released; this factor is present at the site due to the existence of documented concentrations of TCE in the soil and ground water onsite that has been shown to be migrating. The ground water flow in the area has been shown to be toward the south/southeast and continuing precipitation and percolation of storm water will continue to cause TCE to migrate toward the bedrock aquifer which flows to the residential wells.

The actual or threatened release of hazardous substances from the site may present an imminent and substantial endangerment to public health, welfare, or the environment

....

31. At all times relevant herein, there was in full force and effect in the State of Illinois a statute commonly known as the Wrongful Death Act, 740 ILCS 180/1 et seq., which provides in pertinent part as follows:

Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case, the person who or company or corporation which would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and in circumstances as amount in law to felony. (Section 1)

Every such action shall be brought by and in the names of the personal representatives of such deceased person and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next-of-kin of such deceased person, and in every such action, the jury may give such damages as they shall deem fair and just compensation with reference to the pecuniary injuries resulting from such death, to the surviving spouse and next-of-kin of such deceased person. (Section 2)

32. At the time of his death, NICHOLAS MEYER was survived by his wife, DEBORAH MEYER, and their minor children.

33. At all times relevant herein, there was in full force and effect in the State of Illinois a statute known as the Survival Act, 755 ILCS 5/27-6, which provides in pertinent part:

Actions which survive. . . actions to recover damages for an injury to the person. . . .

34. In light of the Survival Act, the Estate of Nicholas Meyer is entitled to damages for his conscious pain and suffering, and disability, until decedent's death on April 13, 2000.

35. Defendants had actual and constructive knowledge of the releases of TCE in corresponding contamination since at least 1990.

36. No one, including plaintiffs, were provided any notice or any warnings concerning the releases of TCE until August 28, 2000.

37. One or more of defendants' negligent acts and/or omissions occurred with wanton and willful disregard for the rights and interests of plaintiff, DEBORAH MEYER, and plaintiff's decedent, NICHOLAS MEYER.

III. PRAYER FOR RELIEF

38. Plaintiff incorporates by reference Paragraphs 1 through 44 as if fully rewritten herein.

39. Plaintiff respectfully demands a jury trial pursuant to Rule 38, F.R.C.P.

40. Plaintiff, DEBORAH MEYER, as Executrix of the Estate of NICHOLAS MEYER, Deceased, demands judgment against LOCKFORMER, a Division of MET-COIL SYSTEMS CORPORATION; MESTEK; and HONEYWELL, individually, jointly, and severally, in an amount in excess of Seventy Five Thousand (\$75,000.00) Dollars, in redress for the wrongful death action.

41. Plaintiff, DEBORAH MEYER, as Executrix of the Estate of NICHOLAS MEYER, Deceased, demands judgment against LOCKFORMER, a Division of MET-COIL SYSTEMS CORPORATION; MESTEK; and HONEYWELL, individually, jointly, and severally, in an amount in excess of Seventy Five Thousand (\$75,000.00) Dollars, in redress for the survivorship action.

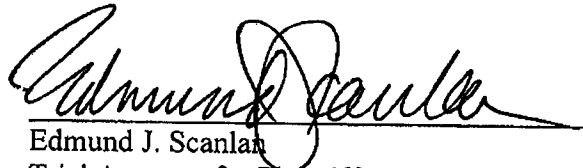
42. Plaintiff demands an award of punitive damages, as some or all of defendants' negligent conduct herein was committed with wanton and willful disregard for the rights and interests of plaintiff.

43. Plaintiff demands interest, the costs of this action, attorney's fees, and all other relief that this Court deems just and equitable.

Respectfully submitted,

LAW OFFICES OF
EDMUND J. SCANLAN LTD.

By:


Edmund J. Scanlan
Trial Attorney for Plaintiff

Edmund J. Scanlan
Andrew R. Haney
Mario C. Palermo
LAW OFFICES OF
EDMUND J. SCANLAN LTD.
Attorneys for Plaintiff
134 North LaSalle Street, Suite 1700
Chicago, Illinois 60602
(312) 372-0020
(312) 372-1211--FAX

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing a service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEBORAH MEYER, as Executrix
of the Estate of NICHOLAS MEYER,
Deceased,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF DuPage
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SEE ATTACHED

CHIEF JUDGE ASPEN

DEFENDANTS

THE LOCKFORMER COMPANY, a Division of
MET-COIL SYSTEMS CORPORATION;
MESTEK, INC.; and HONEYWELL
INTERNATIONAL, INC.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Iowa
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS

O2C 2672
SEE ATTACHED

MAGISTRATE JUDGE NOLAN

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 380 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7809

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

28 U.S.C. 1332 Civil action in diversity for wrongful death and survivorship

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$75,000

CHECK YES only if demanded in complaint
JURY DEMAND: YES; NO

VIII. This case is not a refiling of a previously dismissed action.

is a refiling of case number _____, previously dismissed by Judge _____

DATE
April 12, 2002

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
APR 12 PM 3:11
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Attorneys for Plaintiff:

LAW OFFICES OF EDMUND J. SCANLAN LTD.
134 North LaSalle Street, Suite 1700
Chicago, IL 60602
(312) 372-0020
(312) 372-1211—FAX
Attn: Edmund J. Scanlan
Andrew R. Haney
Mario C. Palermo

Attorneys for Lockformer, A Division of Metcoil Systems:

Chuhak & Tecson, P.C.
30 South Wacker Drive, Suite 2600
Chicago, IL 60606
(312) 444-9300
(312) 444-9027—FAX
Attn: Kathleen V. Crowe
Julie Doyle

Attorneys for Mestek, Inc.:

Baker & McKenzie
130 East Randolph Drive
Chicago, IL 60601
(312) 861-8000
Attn: Vincent S. Oleszkiewicz
Douglas B. Sanders

Attorneys for Honeywell International, Inc.:

Wildman, Harrold, Allen & Dixon
225 West Wacker Drive, Suite 3000
Chicago, IL 60606
(312) 201-2000
(312) 201-2555—FAX
Attn: Anthony G. Hopp, Esq.
Joseph F. Madonia, Esq.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DOCKET

In the Matter of

DEBORAH MEYER, as Executrix
of the Estate of NICHOLAS MEYER,
Deceased, vs.
THE LOCKFORMER COMPANY, et al.

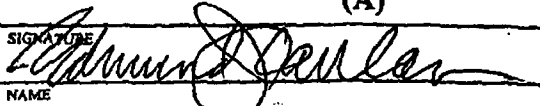
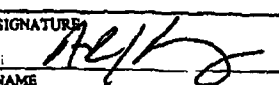
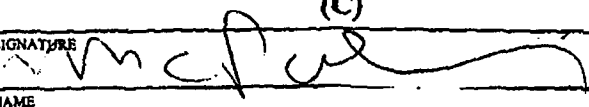
APR 15 2002

CHIEF JUDGE ASPEN

Case Number: **02C 2672**

MAGISTRATE JUDGE NOLAN

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME EDMUND J. SCANLAN		NAME ANDREW R. HANEY	
FIRM LAW OFFICES OF EDMUND J. SCANLAN LTD.		FIRM LAW OFFICES OF EDMUND J. SCANLAN LTD.	
STREET ADDRESS 134 North LaSalle Street, #1700		STREET ADDRESS 134 North LaSalle Street, #1700	
CITY/STATE/ZIP Chicago, IL 60602		CITY/STATE/ZIP Chicago, IL 60602	
TELEPHONE NUMBER (312) 372-0020	FAX NUMBER (312) 372-1211	TELEPHONE NUMBER (312) 372-0020	FAX NUMBER (312) 372-1211
E-MAIL ADDRESS		E-MAIL ADDRESS	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) ARDC: 02466643		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 06275074	
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE 		SIGNATURE	
NAME MARIO C. PALERMO		NAME	
FIRM LAW OFFICES OF EDMUND J. SCANLAN LTD.		FIRM	
STREET ADDRESS 134 North LaSalle Street, #1700		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60602		CITY/STATE/ZIP	
TELEPHONE NUMBER (312) 372-0020	FAX NUMBER (312) 372-1211	TELEPHONE NUMBER	FAX NUMBER
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