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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE BAY
AREA ROOFERS HEALTH & WELFARE
TRUST FUND, et al.,

Plaintiffs,

v.

WESTECH ROOFING,
Defendant.

Case No. 12-cv-05655-JCS

**ORDER FOR ADDITIONAL
MATERIALS IN SUPPORT OF
REQUEST FOR ENTRY OF
PERMANENT INJUNCTION AND
DENYING WITHOUT PREJUDICE
WESTECH'S REQUEST FOR
DISCOVERY**

Plaintiffs have filed a Request for Entry of a Permanent Injunction (“Request”). In their Request, Plaintiffs contend they have suffered irreparable injury as a result of the Defendant’s repeated delinquent payments of employee fringe benefits. Request at 2. Specifically, Plaintiffs assert that “because of Defendant’s repeated failure to pay benefits to Plaintiffs in a timely manner, Plaintiffs, in turn, are not able to provide those benefits to the Union members who have earned them in a timely manner.” *Id.* at 3. However, Plaintiffs have not offered any declarations or other evidence to support this assertion. Therefore, the Court requests that Plaintiffs file a declaration or other evidence showing that Defendant’s continued delinquent payments have prevented them from paying members in a timely manner or otherwise pose an immediate and serious risk to the financial stability of the Trust Funds. Additional materials shall be filed by **August 15, 2014**. Defendant may file a response by **August 31, 2014**.

The Court notes that Defendant has requested leave to conduct discovery in connection with Plaintiffs’ request for entry of a permanent injunction. That request is DENIED without prejudice. Defendant has not demonstrated that it is entitled to conduct discovery on a default

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judgment or, as a factual matter, that such discovery is warranted at this time.

IT IS SO ORDERED.

Dated: July 25, 2014



JOSEPH C. SPERO
United States Magistrate Judge