

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS**

RIK LINEBACK, Regional Director of Region )  
25, for and on behalf of National Labor )  
Relations Board, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CHERRY CREEK ELECTRIC, INC., )  
 )  
Defendant. )

Case No. 15-mc-1001

**ORDER**

On March 23, 2016, a Report & Recommendation was filed by Magistrate Judge Jonathan E. Hawley in the above captioned case. More than fourteen (14) days have elapsed since the filing of the Report & Recommendation, and no objections have been made. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Lockert v. Faulkner, 843 F.2d 1015 (7<sup>th</sup> Cir. 1988); and Video Views, Inc. v. Studio 21, Ltd., 797 F.2d 538, 539 (7<sup>th</sup> Cir. 1986). As the parties failed to present timely objections, any such objections have been waived. Id.

The relevant procedural history is sufficiently set forth in the comprehensive Report & Recommendation of the Magistrate Judge. Suffice it to say that Plaintiff has brought this litigation alleging that Defendant has failed to comply with document requests in an ongoing investigation into alleged unfair labor practices, an Order Requiring Compliance with Subpoena Duces Tecum, and an Order granting Plaintiff’s Petition for Attorneys Fees and Expenses in connection with bringing

this enforcement action despite multiple opportunities to do so. Even after receiving the Report & Recommendation, Defendant has made no effort to respond.

Accordingly, the Court now adopts the Report & Recommendation [44] of the Magistrate Judge in its entirety. Plaintiff's Motion for Adjudication and Order in Civil Contempt and for Other Civil Relief [11] is GRANTED. Cherry Creek Electric, Inc. and Robert Jenkins are Ordered to appear before this Court in Courtroom A of the United States Federal Courthouse in Peoria, Illinois, on **May 25, 2016 at 11:00 a.m.** to show cause why an order of civil contempt should not be entered against Defendant. Defendant may satisfy the show cause order by: (1) contacting Board Agent Tiffany Miller of Sub-Region 33 at (309) 671-7088 within five (5) days of the date of this Order and scheduling a date and time no later than 10 days thereafter to appear at the NLRB's Peoria, Illinois offices; (2) appearing at the scheduled date and time and producing the documents requested in Subpoena Duces Tecum Nos. B-1-K4T4RH, B-1-K4QZ15, and B-1-K4SJ7X; and (3) complying with the August 6, 2015, Order to reimburse the NLRB \$900.00 in fees and expenses incurred in connection with bringing this enforcement proceeding. Failure to satisfy the rule or appear in response to this Order will result in a finding of Civil Contempt and, at a minimum, an additional sanction requiring Defendant and Robert Jenkins to each pay \$500.00 per day for each day they fail to comply with the Order.

ENTERED this 26<sup>th</sup> day of April, 2016.

s/ James E. Shadid  
James E. Shadid  
Chief United States District Judge