

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA CARPENTERS PENSION FUND)
Mark McGriff, Board of Trustees Chairman,)
and Doug Curts, Board of Trustees Secretary,)
on behalf of,)
INDIANA/KENTUCKY/OHIO REGIONAL)
COUNCIL OF CARPENTERS DEFINED)
CONTRIBUTION PENSION TRUST FUND)
Mark McGriff, Board of Trustees Chairman,)
and Greg Hauswald, Board of Trustees)
Secretary on behalf,) 1:17-cv-01176-RLY-MPB
INDIANA/KENTUCKY/OHIO REGIONAL)
COUNCIL OF CARPENTERS WELFARE)
FUND Mark McGriff, Board of Trustees Co-)
Chairman, William Nix, Board of Trustees Co-)
Chairman, on behalf,)
INDIANA/KENTUCKY/OHIO REGIONAL)
COUNCIL OF CARPENTERS JOINT)
APPRENTICESHIP AND TRAINING FUND)
Mark McGriff, Board of Trustees Chairman,)
and Joe Coar, Board of Trustees Secretary, on)
behalf of,)
UNITED BROTHERHOOD OF)
CARPENTERS APPRENTICESHIP)
TRAINING FUND OF NORTH AMERICA)
Douglas J. McCarron, Board of Trustees)
Chairman, on behalf of,)
INDIANA/KENTUCKY/OHIO REGIONAL)
COUNCIL OF CARPENTERS,)
Plaintiffs,)
v.)
SULLIVAN CONSTRUCTION, INC. Clerk's)
Entry of Default entered 6/22/17,)
MEGAN SULLIVAN Clerk's Entry of Default)
entered 6/22/17,)
Defendants.)

ORDER TO PRODUCE MONTHLY REPORTING STATEMENTS

On April 13, 2017, Plaintiffs, the Indiana Carpenters Pension Fund, the Indiana/Kentucky/Ohio Regional Council of Carpenters Defined Contribution Pension Trust Fund; Indiana/Kentucky/Ohio Regional Council of Carpenters Welfare Fund; Indiana/Kentucky/Ohio Regional Council of Carpenters Joint Apprenticeship and Training Fund; Union Brotherhood of Carpenters Apprenticeship Training Fund (“Trust Funds”); and the Indiana/Kentucky/Ohio Regional Council of Carpenters (“Union”) (collectively “Plaintiffs”), filed a four-count Complaint against Defendants, Sullivan Construction, Inc., and Megan Sullivan, its Chief Executive Officer, under the Sections 502 and 515 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001, *et seq.*, 29 U.S.C. § 1132 and § 1145, and 29 U.S.C. § 185. The Trust Funds allege Sullivan Construction failed to submit monthly reporting forms to them, and failed to make contributions to them. The Union alleges, *inter alia*, that the Defendants made certain payroll deductions from the Union employees’ payroll checks, but failed to transmit those funds to the Union with accompanying monthly report forms to the Union’s designated third party depository, in violation of the parties’ collective bargaining agreement.

In the present Motion,¹ Plaintiffs seek an Order directing Defendants to produce monthly reporting forms for the period May 1, 2016 through April 13, 2017 to them.

¹ Plaintiffs’ Motion is entitled “Plaintiffs’ Motion to Court to Enter an Order and Default Judgment Against Defendants.” They do not ask for default judgment yet; rather, they seek Defendants’ monthly reporting forms from May 1, 2016 to April 13, 2017.

Defendants failed to respond. Having reviewed the Plaintiffs' Motion (Filing No. 13), the court finds it should be **GRANTED**.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. Defendants, Sullivan Construction, Inc. and Megan Sullivan shall produce the monthly reporting forms for the period of May 1, 2016 through April 13, 2017, to the Plaintiffs **within thirty (30) days** of the date of this Order.
2. After the production and review of Defendants' monthly reporting forms, Plaintiffs shall file with the court and serve upon the Defendants an itemized statement of all delinquent contributions, interest, liquidated damages, attorneys' fees and costs, the Plaintiffs claim they are owed by the Defendants.
3. Defendants have fifteen (15) days from the date they receive Plaintiffs' itemized statement to object to the itemized statement. If Defendants pose no objection, the court will enter judgment in favor of the Plaintiffs and against Defendants in the amount requested. In the event of an objection, the court will determine the need for a further hearing; and,
4. Such other relief this court shall deem proper against Defendants.

SO ORDERED this 21st day of November 2017.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.