

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MATTHEW OSTROW and LEO E. MILLER, JR.,)
as they are TRUSTEES, HEALTH & WELFARE FUND)
IBEW LOCAL 96, PENSION FUND LOCAL 96 – IBEW,)
and ANNUITY PLAN IBEW LOCAL 96;)
LEO E. MILLER, JR., as he is TRUSTEE, WORCESTER)
JOINT APPRENTICESHIP AND TRAINING FUND;)
LAWRENCE J. BRADLEY, as he is EXECUTIVE)
SECRETARY-TREASURER, NATIONAL)
ELECTRICAL BENEFIT FUND; J. DAVID KEANEY,)
as he is LOCAL ADMINISTRATOR, NATIONAL)
LABOR MANAGEMENT COOPERATION)
COMMITTEE; LEO E. MILLER, JR., as he is)
ADMINISTRATOR, CENTRAL MASSACHUSETTS)
ELECTRICAL LABOR MANAGEMENT FUND;)
and IBEW LOCAL UNION NO. 96,)

Plaintiffs,)

C.A. No. 14-40114-TSH

vs.)

PRIME SOLUTIONS, INC.,)
Defendant,)

and)

HONEYWELL BUILDING SOLUTIONS)
SES CORPORATION, and SEABOARD SOLAR)
HOLDINGS, LLC d/b/a SEABOARD SOLAR)
OPERATIONS, LLC)

Reach-and-Apply Defendants.)

**ORDER ON PLAINTIFFS' ASSENTED-TO MOTION FOR RECONSIDERATION OF
REQUIREMENT TO POST SECURITY FOR PRELIMINARY INJUNCTION AS TO
REACH-AND-APPLY DEFENDANT HONEYWELL BUILDING SOLUTIONS SES
CORPORATION**

October 10, 2014

For the reasons set forth below, Plaintiffs' Assented-to Motion for Reconsideration of
Requirement to Post Security for Preliminary Injunction as to Reach-and-Apply Defendant

Honeywell Building Solutions SES Corporation (Docket No. 36) is **granted in part**, and **upon reconsideration the bond requirement is reduced to \$500**.

Prohibiting Reach-and-Apply Defendant Honeywell from paying money owed to Defendant Prime, even if only temporarily, poses a risk of economic loss to Prime that is not insignificant. Further, this is a commercial case in which Plaintiffs—benefit funds seeking hundreds of thousands of dollars from an employer—"can be assumed capable of bearing most bond requirements." *Crowley v. Local No. 82, Furniture & Piano Moving, Furniture Store Drivers, Helpers, Warehousemen & Packers*, 679 F.2d 978, 1000 (1st Cir. 1982). Considering the mandatory language of Rule 65(c), I find that requiring the Plaintiffs to post security is warranted. However, upon reconsideration of the bond amount based on the assented-to motion, I reduce the bond requirement to \$500.

SO ORDERED.

/s/ Timothy S. Hillman
TIMOTHY S. HILLMAN
DISTRICT JUDGE