

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF THE DETROIT
CARPENTERS FRINGE BENEFIT FUNDS,

Plaintiffs,

Case No. 05-71141

v.

Honorable John Corbett O'Meara

INDUSTRIAL CONTRACTING, L.L.C.; and
THE LASALLE GROUP, INC.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE
PLAINTIFFS' NOVEMBER 23, 2009 MOTION FOR JUDGMENT**

This matter came before the court on the Plaintiffs' November 23, 2009 motion for judgment. Defendant LaSalle Group filed a response December 7, 2009; and Plaintiffs filed a reply December 14, 2009. Pursuant to Local Rule 71.(e)(2), no oral argument was heard.

On July 25, 2007, this court issued a Memorandum Opinion and Order Granting Defendant LaSalle Group's Motion for Summary Judgment and issued a judgment in favor of Defendants. Defendants filed a timely appeal to the United States Court of Appeals for the Sixth Circuit. The Court of Appeals entered an order September 17, 2009, holding "the judgment of the district court is REVERSED, and the case is REMANDED for entry of judgment in favor of plaintiffs Trustees of the Detroit Carpenters Fringe Benefit Funds." The appellate court issued its mandate November 23, 2009, returning the case to this court.

The Court of Appeals held that defendants Industrial Contracting and the LaSalle group are alter egos. Defendants filed a motion for reconsideration and petitioned for rehearing *en banc*. The motion and petition were denied.

Plaintiffs have now moved for entry of judgment in accordance with the ruling of the Sixth Circuit. The court finds that any entry of judgment is unnecessary at this time and will withhold the entry of a final judgment until after damages, if any, have been determined. Because the Court of Appeals has held that the defendants are alter egos, the court will order Defendants to submit to Plaintiffs for auditing Defendants' books and records for the period June 1, 2003, through the date of production of the books and records.

ORDER

It is hereby **ORDERED** that Plaintiffs' motion for entry of judgment is **DENIED WITHOUT PREJUDICE**.

It is further **ORDERED** that Defendants submit to Plaintiffs for auditing Defendants' books and records for the period June 1, 2003, through the date of production of the books and records.

s/John Corbett O'Meara
United States District Judge

Date: January 22, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 22, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager