

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324
FRINGE BENEFIT FUNDS,

Plaintiff,

v.

Case No. 10-15072

DEMREX INDUSTRIAL SERVICES,
INC., et al.,

Defendants.

**ORDER AMENDING DEFENDANTS' DEADLINES TO
PRODUCE DISCOVERY OR SUBMIT WEEKLY SWORN STATEMENTS**

The parties informed the court that they have tentatively agreed on a settlement. Defendants request a one-week extension for the deadlines set forth in the court's December 4, 2012 order so that they can ensure they have enough money to pay the settlement. Plaintiff agrees to the extension. Accordingly,

IT IS ORDERED that the court's December 4, 2012 order [Dkt. # 73] is AMENDED. Defendants are DIRECTED to produce Barry Portnoy's 2007, 2008, and 2009 federal tax returns by **December 18, 2012**. If Defendants do not produce the tax returns by that date, then Defendants are DIRECTED to file by **December 18, 2012**, Mr. Portnoy's sworn statement describing in detail the steps he has taken during the preceding week to obtain and provide his 2007, 2008, and 2009 federal tax returns. Defendants are further DIRECTED to file on every succeeding Tuesday until the tax returns are produced Mr. Portnoy's sworn statement specifying in detail the steps he

has taken during the preceding week to obtain and provide his 2007, 2008, and 2009 federal tax returns.

IT IS FURTHER ORDERED that Defendants are DIRECTED to produce Barry Portnoy's 2011 federal tax return by **December 18, 2012**. If Defendants do not produce the tax return by that date, then Defendants are DIRECTED to file by **December 18, 2012**, Mr. Portnoy's sworn statement explaining why the 2011 federal tax return has not been produced, and by the same date provide to Plaintiff the underlying documents and data that would be necessary to file his 2011 federal tax return with the Internal Revenue Service.

Further, if Defendants have failed to produce Barry Portnoy's 2007, 2008, 2009, and 2011 tax returns by **December 26, 2012**, the court will order all individual Defendants to be personally present at a status conference on the record on **January 9, 2013, at 3:00 p.m.** at 231 W. Lafayette Blvd., Room 712, Detroit, MI 48226, in order to fully explain to the court why Defendants have not yet produced the outstanding tax returns.

Finally, IT IS ORDERED that counsel shall participate in a telephonic status conference on **December 19, 2012, at 11:00 a.m.** The court will initiate the call.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 13, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 13, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522