

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHEET METAL WORKERS'  
LOCAL UNION NO. 80  
INSURANCE TRUST FUND,

Plaintiffs,

Case No. 16-cv-10983  
Hon. Matthew F. Leitman

v.

Accu-Clean Services L.L.C. *et al*,

Defendant.

---

**ORDER (1) GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF #29) AND  
(2) DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
(ECF #33)**

Plaintiff Sheet Metal Workers' Local Union No. 80 Insurance Trust Fund filed this action against Defendants Accu-Clean Services L.L.C. and William S. White. On January 24, 2017, Defendants moved for summary judgment on all four counts in Plaintiff's Second Amended Complaint. (*See* ECF #29.) On March 3, 2017, Plaintiff moved for summary judgment on Count One of its Second Amended Complaint. The Court held a hearing on the parties' motions for summary judgment on June 7, 2017.

For the reasons stated on the record at the June 7, 2017, hearing, it is **HEREBY ORDERED** that:

1. Defendants' Motion for Summary Judgement (ECF #29) is **GRANTED IN PART AND DENIED IN PART** as follows. The Court **GRANTS** Defendants' motion with respect to the claims found in Counts Two, Three, and Four of the Second Amended Complaint, and the claims are **DISMISSED WITH PREJUDICE**. The Court **DENIES** Defendants' motion with respect to Count One of the Second Amended Complaint.
2. Plaintiff's Motion for Summary Judgement (ECF #33) is **DENIED**.

Therefore, the only remaining claim in this case is the claim found in Count One of the Second Amended Complaint.

**IT IS SO ORDERED.**

Dated: June 7, 2017

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 7, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
(313) 234-5113