

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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MARK CONROY and ROBERT DALSIN, as Trustees of the Roofers Local No. 96 Health and Welfare Fund; CHRIS CRONIN and JAMES HADEL, as Trustees of the Roofers and Waterproofers Research and Education Joint Trust Fund; and ROBERT DALSIN and KINSEY ROBINSON, as Trustees of the National Roofing Industry Pension Fund,

Plaintiffs,

v.

Case No. 18-cv-436 (JRT/SER)

**ORDER**

MARIANNE'S ROOFING COMPANY LLC, a Wisconsin limited liability company, separately and doing business as "W.J. Woodruff Roofing Contractors,"

Defendant.

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Thomas C. Atmore, **LEONARD, O'BRIEN, SPENCER, GALE & SAYRE, LTD**, 100 South Fifth Street, Suite 2500, Minneapolis, MN 55402, for plaintiffs.

United States Magistrate Judge Steven E. Rau filed the Report and Recommendation on March 15, 2018 [Docket No. 17]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge dated March 15, 2018 [Docket No. 17]. Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Preliminary Injunction to Compel Compliance with

Audit [Docket No. 4] is **GRANTED** and that within three (3) days of this Order, Defendant Marianne's Roofing Company, LLC ("Marianne's Roofing") must:

1. Send to the Plaintiffs' Third Party Administrator complete and accurate fringe benefit contribution reports for the months of September 2017 to the present;
2. Deliver to Mr. James Wilson at Wilson-McShane all requested books and records needed by the Third Party Administrator to complete a payroll audit of Marianne's Roofing; and
3. Otherwise cooperate with the conduct of a payroll audit by Plaintiffs' Third Party Administrator, including immediately providing such other books and records or information as the Third Party Administrator may require to complete the payroll audit.

Pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure, this Order binds Marianne's Roofing, its owner Marianne Krueger, and any other members, officers, or directors of Marianne's Roofing.

Dated: March 28, 2018  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court