

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MARK CONROY and ROBERT DALVIN, 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 DALVIN and KINSEY ROBINSON, as Trustees of the National Roofing Industry Pension Fund,

Civil No. 18-436 (JRT/SER)

ORDER

Plaintiffs,

v.

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

Defendants.

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 August 9, 2018 [Docket No. 44]. No objections have been filed to that Amended 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 August 9, 2018 [Docket No. 44].

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Requests for Fees and Costs [Docket No. 39] is **GRANTED**:

1. Defendant Marianne's Roofing Company LLC ("Defendant") is in contempt of court and fined \$100 per day until it "cooperate[s] 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" as ordered in the undersigned's Order Dated March 29, 2018 [Docket No. 20];
2. The Plaintiffs' Requests for Fees and Costs [Docket No. 39] is **GRANTED**; and
3. Plaintiffs are entitled to \$7,201.64 in fees and costs recoverable from Defendant only.

Dated: September 7, 2018
at Minneapolis, Minnesota

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