

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

INTERNATIONAL BROTHERHOOD	)	
OF TEAMSTERS LOCAL UNION 682,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:11CV0907 AGF
	)	
THOELE ASPHALT PAVING, INC.,	)	
	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff’s motion for contempt asserting that Defendant has failed to comply with the mandate of the Eighth Circuit Court of Appeals in this matter, issued on June, 26, 2013, affirming the judgment of this Court upholding an arbitrator’s decision reinstating a member of the Plaintiff union and ordering an award of back pay. In response to the motion for contempt, Defendant asserts that the parties are in fact cooperating to resolve the outstanding issues in this matter, having reinstated Plaintiff’s member and planned to meet on or about December 12, 2013, for further discussions regarding payment of the back pay an award in accordance with the arbitrator’s decision. Plaintiff did not file a reply brief contradicting theses representations and the time to do so has expired. Therefore, the Court will deny the motion for contempt without prejudice to refileing as necessary and hold a status conference with the parties in this matter.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for contempt is **DENIED** **without prejudice** to refiling as necessary. (Doc. No. 37.)

**IT IS FURTHER ORDERED** that the Court shall hold a Status Conference on **Thursday, February 6, 2014 at 2:30 p.m.** at which all counsel shall appear.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 15<sup>th</sup> day of January, 2014.