

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL)
NO. 2, et al.,)
)
Plaintiffs,)
)
vs.)
)
KLA PAINTING, LLC, et al.,)
)
Defendants.)

Case No. 4:13 CV 968 RWS

MEMORANDUM AND ORDER

On September 30, 2013, I issued a partial default judgment against Defendants and ordered Defendants to produce documents to Plaintiffs’ counsel no later than October 18, 2013. Plaintiffs have filed a motion for contempt asserting that Defendants have failed to comply with that order.

In their brief in support Plaintiffs only indicate that they “attempted contact” with Defendants in an effort to obtain the relevant documents. It is unclear from the record whether Defendants ever received a copy of my order dated September 30, 2013. It is also unclear from the record what attempts Plaintiffs made to reach Defendants to resolve this document dispute before filing a motion for contempt with the Court.

As a result, I will deny the motion for contempt without prejudice. I will order the Clerk of Court to send a copy of my order of September 30, 2013 and a copy of this order to Defendants at the address listed in the return of service. I will also require Plaintiffs to send a copy of these orders to the Defendants. In addition, Plaintiff shall make several attempts to contact Defendants to arrange compliance with my order of September 30, 2013. If Defendants fail to provide the requested documents, Plaintiffs may file a motion for contempt which

acknowledges that they sent my orders to Defendants and which states the method, date, and time of each of their efforts to contact Defendants in an attempt to resolve this dispute. I will then set a hearing of the motion for contempt which Defendant Kevin A Ar-Razzaaq will be required to appear in person.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion to compel [# 12] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Plaintiffs' must send a copy of my order dated September 30, 2013 and a copy of the present order to Defendants and shall make several attempts to contact Defendants to resolve this dispute.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of my September 30, 2013 order and a copy of the present order to Defendants at **3512 Sullivan Avenue, St. Louis, Missouri 63107**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 29th day of October, 2013.