

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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MIKE O’LAUGHLIN, et al.,)	
)	
Plaintiffs,)	No. 4:13-CV-1669 JAR
)	
v.)	
)	
DILL PLUMBING, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion for Contempt (ECF No. 30). This matter is fully briefed and ready for disposition.

In the Motion for Contempt, Plaintiffs state that Defendant has failed to comply with this Court’s February 20, 2014 Order, directing Defendant to submit the contractually required fringe benefit contributions for September, October and November 2013 no later than Wednesday, Marcy 19, 2014. (ECF No. 30).

In response, Defendant admits that it has not made the required contributions but states that it paid contributions in excess of \$34,000 to Plaintiffs, which would have satisfied the requirements of the Court’s February 20, 2014 Order, but those payments were applied to the amount due under the Summary Judgment Orders and Judgment (ECF Nos. 17, 22, 23). Defendant states that it is not contumaciously violating any order of this Court, but does not have the funds available currently. Defendant requests an additional 60 days to satisfy its obligations. (ECF No. 32).

In reply, Plaintiffs argue that the Defendant's contributions are six months overdue and Defendant should not be granted an additional 60 days to comply. (ECF No. 33).

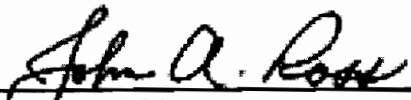
The Court finds that Defendant has demonstrated that it is not willfully non-compliant at this time. Defendant made payments to satisfy the amount due under the Summary Judgment Orders and Judgment. The Court, therefore, will afford Defendant some additional time to make the contributions.

Accordingly,

IT IS HEREBY ORDERED that Defendant shall submit contributions for September, October, November, and December 2013 no later than **May 19, 2014**.

IT IS FURTHER ORDERED that Defendant shall submit contributions for January, February, March, April, and May 2014 no later than **June 18, 2014**.

Dated this 14th day of April, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE