

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IRON WORKERS ST. LOUIS DISTRICT	)	
COUNCIL ANNUITY TRUST, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:14CV2066 AGF
	)	
INNOVATIVE CONCRETE, LLC,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' motion for an order compelling Defendant to appear for a post-judgment deposition and produce documents, pursuant to Federal Rule of Civil Procedure 69, on Friday, October 16, 2015 at 10:00 a.m. For the reasons set forth below, the motion shall be granted.

On February 6, 2015, the Clerk of Court entered default against Defendant in this case filed under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132, et seq., to collect delinquent contributions to the Plaintiff employee benefits funds as required by the collective bargaining agreements between Defendant and its employees' unions. The complaint also sought interest on the delinquent payments, liquidated damages, attorney's fees, and court costs.

By Order dated July 23, 2015, the Court granted Plaintiffs' motion for default judgment in the total amount of \$5,847.30 for the period of June 1, 2014, through December 31, 2014. The record in support of the present motion shows that Plaintiffs have not been able to collect all of the judgment, and that on July 24, 2015, a notice of deposition and request for production of documents in aid of execution of judgment was

mailed to Defendant, requiring the attendance of Defendant at the office of Plaintiffs' counsel on Monday, August 24, 2015 at 10:00 a.m., with the requested documents, but Defendant did not appear or produce any of the requested documents. Defendant has not responded to the present motion to compel in the time permitted. The discovery Plaintiff seeks in aid of execution of their judgment is appropriate under the Federal Rules. *See, e.g. Carpenters' Dist. Council of Greater St. Louis & Vicinity v. Vehlewald Const. Co.*, No. 4:06-CV-1214 CAS, 2008 WL 544977, at \*2 (E.D. Mo. Feb. 25, 2008).

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion to compel is **GRANTED**.

(Doc. No. 27.)

**IT IS FURTHER ORDERED** that a representative of Defendant shall appear for a deposition on **Friday, October 16, 2015 at 10:00 a.m.** in the law offices of Hartnett Gladney Hetterman, L.L.C., 4399 Laclede Avenue, St. Louis, MO 63108, and shall produce the documents requested by Plaintiffs in the notice sent on July 24, 2015 (Doc. No. 27-3).

**IT IS FURTHER ORDERED** that failure to comply with this Memorandum and Order may result in sanctions, including finding an individual principle of Defendant in civil contempt.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall mail a copy of this Memorandum and Order to Defendant at 620 Ivy Chase Lane, Fenton, MO 63026.



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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 30th day of September, 2015.