

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

MIKE O’LAUGHLIN, et al.,

Plaintiffs,

v.

EXCEL PLUMBING, INC.,

Defendant.

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No. 4:15-CV-170 CAS

ORDER

This matter is before the Court on plaintiffs’ motion for default order to compel an accounting. Plaintiffs filed this action pursuant to the Employee Retirement Income Security Act, 29 U.S.C. § 1132 (“ERISA”) and pursuant to the Labor Management Relations Act, 29 U.S.C. § 185 (“LMRA”) seeking delinquent contributions to the Plumbers and Pipefitters Local 562 employee benefit funds. On January 27, 2015, defendant was served with the summons and complaint. Defendant has not appeared, and on April 23, 2015, the Clerk of Court entered default against defendant.

Plaintiffs have established that defendant is bound by a collective bargaining agreement with Plumbers and Pipefitters Local 562. This collective bargaining agreement requires defendant to pay contributions to the Plumbers and Pipefitters Funds and to file monthly contribution report forms. Defendant has failed to submit its reports or contributions when due. Additionally, the collective bargaining agreement entitles the Plumbers and Pipefitters Funds to conduct an audit of an employers’ records to determine if the required contributions have been made. See Murphy Aff., ¶ 5.

Plaintiffs move for an order compelling defendant to submit its business books and records related to defendant's employees' compensation and benefits from the period December 5, 2011 to the present. Plaintiffs ask the Court to reserve judgment on defendant's unpaid benefits from December 5, 2011 to the present until a full and complete accounting of defendant's books and records has been completed.

The Court will grant plaintiffs' motion for an order compelling defendant to submit to an accounting so that plaintiffs can determine the amounts owed from December 5, 2011 to date. The Court will order plaintiffs to file within sixty days (60) of the date of this Order a status report regarding the progress of the financial examination of defendant's records.

Accordingly,

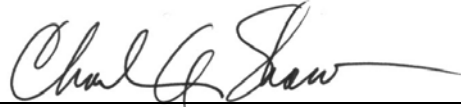
IT IS HEREBY ORDERED that plaintiffs' motion for default order to compel an accounting is **GRANTED**. [Doc. 6]

IT IS FURTHER ORDERED that defendant Excel Plumbing, Inc., shall provide to plaintiffs within thirty (30) days of the date of this Order all of its books, ledgers, payroll records, cash disbursements ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to defendant's employees from December 5, 2011 to the present.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order to Excel Plumbing, Inc. at the following address:

Excel Plumbing, Inc.
Attn: Jay P. Johnston, Registered Agent
807 Lockett Road
Kirkwood, MO 63122

IT IS FURTHER ORDERED that plaintiffs shall file within sixty (60) days of the date of this Order a status report regarding the progress of the accounting of defendant's books and records.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of August, 2015.