UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL NO. 58, et al.,	)	
Plaintiffs,	)	
vs.	)	Case No. 4:16-cv-00851-JAR
JOSEPH CONSTRUCTION INC., et al.,	)	
Defendants.	)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Amended Motion for Contempt (Doc. 30). This action arises under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132, to collect delinquent fringe benefit contributions.

On April 10, 2017, the Court entered a default judgment in favor of Plaintiffs in the amount of $42,257.34. (Doc. 24). On August 29, 2017, the Court ordered a representative of Defendant Joseph Construction, Inc. to appear for a post-judgment deposition and produce the records requested in the notice of deposition on September 20, 2017, at 10:00 a.m. at the offices of Plaintiffs' Counsel. (Doc. 27). A copy of the Court's Order was mailed to Defendant on August 29, 2017. (Doc. 30-4).

Plaintiffs' amended motion for contempt and the affidavit of attorney Samuel K. Gladney assert that Defendant did not appear at the deposition on September 20, 2017 or otherwise contact Plaintiffs' counsel and did not produce the requested documents. (Docs. 30, 30-4). Plaintiffs now move for an order finding Defendant in contempt of this Court and imposing a

compliance fine of $200.00 per day for each day of Defendant's noncompliance. Plaintiffs also request they be granted their attorneys' fees and expenses incurred in bringing this motion.

Accordingly,

IT IS HEREBY ORDERED that, **within 30 days of service** of this Order, Defendant Joseph Construction, Inc. and its officer Ricky Roach shall show cause, in writing, why civil contempt sanctions should not be imposed against it for failure to comply with this Court's Order of August 29, 2017.

IT IS FURTHER ORDERED that Plaintiffs shall effect personal service of this Order on Defendant's officer, Ricky Roach, and shall promptly file a certificate of such service with the Court.

IT IS FINALLY ORDERED that, in light of Plaintiffs' amended motion for contempt (Doc. 30), Plaintiffs' initial motion for contempt (Doc. 28) is **DENIED as moot.**

Dated this 23rd day of October, 2017.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE