

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
Plaintiffs,)
)
vs.)
)
HOLLIS RIGGINS CONSTRUCTION, LTD.,)
)
Defendant.)

Case No. 4:16-CV-1257-CEJ

ORDER OF CONTEMPT

This matter is before the Court on plaintiffs' motion for an order of contempt against Hollis Riggins Construction, Ltd. for failure to comply with the order directing defendant to produce records for inspection by plaintiffs. Defendant has not responded to the motion and the time allowed for doing so has expired.

After entry of default against the defendant, the Court granted plaintiffs' motion for a default order to compel an accounting. Defendant was ordered to produce "all books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to employees of Hollis Riggins Construction, Ltd., for the period beginning November 1, 2013, through the present." The deadline for compliance was November 21, 2016. A copy of the order was mailed to defendant at the address where service of the summons and complaint was made.

On December 14, 2016, plaintiffs filed a motion for contempt based on the defendant's failure to produce the records. In their motion, the plaintiffs ask that the defendant be ordered to pay a fine for each day of non-compliance and that it

also be order to pay the attorneys' fees and costs incurred by plaintiffs. On January 17, 2017, the Court ordered the defendant to show cause why the relief requested in the motion for contempt should not be granted. The defendant was directed to appear before the Court in person on February 21, 2017, but failed to do so. The defendant did not request additional time to respond to the show cause order, nor did it provide any reason for its failure to respond.

The record shows that defendant has repeatedly failed to comply with the orders issued by this Court. Although defendant has been given ample opportunity to explain its conduct, it has not done so. The defendant's failure to comply is without just cause or excuse. The Court finds the defendant Hollis Riggins Construction, Ltd., in civil contempt for failure to comply with the Court's orders dated October 20, 2016 and January 17, 2017. The Court believes that it is appropriate to impose a monetary sanction on the defendant of \$200.00 per day, beginning on the date of this Order and continuing until such time as the defendant complies with the order dated October 20, 2016 compelling the production of documents and records for an accounting. The Court also finds that the plaintiffs are entitled to recover attorneys' fees and costs incurred in bringing the motion for contempt.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for contempt [Doc. #10] is **granted**.

IT IS FURTHER ORDERED that defendant Hollis Riggins Construction, Ltd., is found to be in contempt of the authority of this Court for their failure to comply with the Court's October 20, 2016 Order directing defendant to produce for

inspection all books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to employees of Hollis Riggins Construction, LTD., for the period beginning November 1, 2013, through the present.


IT IS FURTHER ORDERED that defendant Hollis Riggins Construction, Ltd., shall pay to the Clerk of Court a fine in the amount of Two Hundred Dollars (US \$200.00) per day, beginning on February 22, 2017, and continuing until defendant satisfies the Court that it is no longer in contempt.

IT IS FURTHER ORDERED that plaintiffs shall immediately inform the Court in writing of defendant's compliance with the order of October 20, 2016.

IT IS FURTHER ORDERED that plaintiffs' counsel shall have until **March 3, 2017**, to file a verified statement of attorneys' fees and costs incurred bringing the motion for contempt.

IT IS FURTHER ORDERED that the Clerk of Court shall send copies of this order by regular United States mail and by certified mail to defendant at the following addresses:

Hollis Riggins
818 Lafayette Avenue
St. Louis, MO 63104



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of February, 2017.