

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)	
LABORERS WELFARE FUND, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:17-cv-00219-AGF
)	
ZOIE LLC, d/b/a DANA HOWARD)	
CONSTRUCTION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This action under the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1132, to collect delinquent fringe benefit contributions, is before the Court upon review of the file. On March 13, 2017, the Court granted Plaintiffs’ motion to compel an audit in order to determine the amount of Defendant’s liability following the entry of default against Defendant on February 22, 2017. The Court ordered Plaintiffs to file a properly supported motion for default judgment no more than 14 days after completing the audit. ECF No. 8.


On June 12, 2017, the Court granted Plaintiffs’ motion for contempt and ordered that Defendant would be liable for a fine of \$200 per day, beginning three days after the date on which Defendant received service of the Court’s contempt Order, for every day that it failed to comply with the Court’s Order compelling an accounting and Plaintiffs’ requests for documents in connection therewith. The Court ordered Plaintiffs to file a notice promptly advising the Court if and when Defendant produced its records for inspection. ECF No. 14.

On June 14, 2017, Plaintiffs filed a notice advising the Court that Defendant contacted Plaintiffs shortly before the Court's June 12, 2017 contempt Order, in order to schedule an appointment to provide the documents needed by Plaintiffs' accountant for the audit. ECF No. 15. Plaintiffs have not filed anything further with the Court, and there has been no activity in this case since June 14, 2017.

Accordingly,

IT IS HEREBY ORDERED that, on or before **December 15, 2017**, Plaintiffs shall file a status report advising the Court of the status of the audit and any forthcoming motion for default judgment.

Failure to comply with this Order may result in the dismissal of this case without prejudice for failure to prosecute and failure to comply with a court order.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 8th day of December, 2017.