

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DIRECTORS OF THE OHIO
CONFERENCE OF PLASTERERS
AND CEMENT MASONS
COMBINED FUNDS, INC.,

Plaintiffs,

v.

MEERKAT CONSTRUCTION,
INC.,

Defendant.

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Case No. 3:18-cv-00122

JUDGE WALTER H. RICE

ORDER DIRECTING DEFENDANT, MEERKAT CONSTRUCTION, INC., TO PROVIDE TO PLAINTIFFS' ACCOUNTANT, NO LATER THAN MARCH 4, 2020, THE FOLLOWING: (1) ALL RECORDS AND DOCUMENTS REQUESTED BY PLAINTIFFS' ACCOUNTANT THAT ARE IN THE POSSESSION, CUSTODY OR CONTROL OF MEERKAT CONSTRUCTION, INC.; (2) AN AFFIDAVIT SIGNED BY MEERKAT CONSTRUCTION, INC. UNDER PENALTY OF PERJURY THAT IT HAS MADE A DILIGENT AND THOROUGH SEARCH OF ALL RECORDS AND DOCUMENTS REQUESTED BY PLAINTIFFS' ACCOUNTANT AND THAT ALL RECORDS AND DOCUMENTS IN DEFENDANT'S POSSESSION, CUSTODY OR CONTROL HAVE BEEN PRODUCED; (3) SAID RECORDS, DOCUMENTS AND AFFIDAVIT ARE TO BE PROVIDED BY MEERKAT CONSTRUCTION, INC. TO ITS COUNSEL FOR DELIVERY TO PLAINTIFFS' ACCOUNTANT; FAILURE ON THE PART OF MEERKAT CONSTRUCTION, INC. TO COMPLY WITH THIS ORDER IN ANY RESPECT WILL RESULT IN A MINIMUM INITIAL FINE OF FIVE HUNDRED DOLLARS (\$500.00) PER DAY BEGINNING MARCH 5, 2020

This matter came before the Court for a hearing on February 26, 2020. The hearing, which was scheduled by the Court, was to determine why the payroll

audit of the records and books of Defendant, Meerkat Construction, Inc., for the period of April 2016 through July 19, 2019, had not been completed as previously ordered by this Court in its Decision and Entry of July 19, 2019. Doc. #20. In attendance at this hearing were counsel for the parties as well as Kevin Thomas, President of Defendant, Meerkat Construction, Inc. An accountant retained by Plaintiffs, David Coomer, C.P.A., of Clark Schaeffer Hackett, testified, via telephone, regarding the status of the payroll audit and the books and records produced to date by Meerkat Construction, Inc. Mr. Coomer was examined by counsel for both parties as well as the Court.

Based upon the testimony of Mr. Coomer, as well as the arguments of counsel, the Court ORDERS Defendant, Meerkat Construction, Inc., to provide to Plaintiffs' accountant, David Coomer, C.P.A., no later than March 4, 2020, the following:

(1) all records and documents that are requested by Mr. Coomer, in the possession, custody or control of Defendant, Meerkat Construction, Inc.;

(2) an affidavit signed by Meerkat Construction, Inc., under penalty of perjury, stating that it has made a diligent and thorough search of all records and documents, in its possession, custody or control that were requested by Mr. Coomer, and that said records and documents have been produced to him;

(3) said records, documents and affidavit are to be provided by Meerkat Construction, Inc. to its counsel for delivery to Mr. Coomer.

FAILURE ON THE PART OF MEERKAT CONSTRUCTION, INC. TO COMPLY WITH THIS ORDER IN ANY RESPECT WILL RESULT IN THIS COURT IMPOSING A MINIMUM INITIAL FINE OF FIVE HUNDRED DOLLARS (\$500.00) PER DAY AGAINST MEERKAT CONSTRUCTION, INC. BEGINNING MARCH 5, 2020.

Date: February 27, 2020



WALTER H. RICE
UNITED STATES DISTRICT JUDGE