

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH OSBORNE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-2335-KGG
)	
C&D COMPLETE BUSINESS)	
SOLUTIONS, INC., and)	
SONYA CUMMINGS)	
)	
Defendants.)	
_____)	

ORDER DENYING MOTION FOR ORDER TO SHOW CAUSE

Before the Court is Plaintiff's Motion for Order to Show Cause. (Doc. 68.) Plaintiff's Motion for Entry of Default (Doc. 56) was granted on April 9, 2013 (Doc. 60). Thereafter, the Court granted Plaintiff's Motion for Default Judgment (Doc. 64) on June 25, 2013 (Doc. 65).

Plaintiff subsequently served post-judgment discovery on Defendants, to which Defendants did not respond, resulting in Plaintiff's Motion to Compel. (Doc. 66.) The Court granted that Motion to Compel as uncontested, ordering Defendants to respond to the discovery on or before September 24, 2013. (*See* Doc. 67, text Order.) Defendants failed to do so, which resulted in the present motion, in which Plaintiff contends that Defendants should be found in contempt

for “their failure to comply with this Court’s order” compelling responses to post-judgment discovery. (*See* Doc. 68.)

The Court **DENIES** Plaintiff’s motion for two reasons. First, the Court finds that the procedure used by Plaintiff is impractical and ultimately will be ineffective. Finding a defunct corporation to be in contempt, and ordering it to pay fines, for the failure to respond to discovery following a default judgment is not a practical solution to Plaintiff’s continued inability to compile the requested information. Second, the Court has serious concerns that the relief requested by Plaintiff would run afoul of the bankruptcy Order and Stay currently in effect regarding individual Defendant Sonya Cummings. The Court notes that said individual Defendant has indicated in court filings that she is doing business as C & D Complete Business Solutions, the corporate Defendant in this matter.

(*See* Doc. 69.)

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion for Order to Show Cause (Doc. 68) is **DENIED** for the reasons set forth above.

IT IS SO ORDERED.

Dated at Wichita, Kansas, on this 13th of January, 2014.

S/ KENNETH G. GALE
Kenneth G. Gale
United States Magistrate Judge