

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RYAN VANDER PLUYM,)
)
 Plaintiff,)
)
 v.) Case No. 12-2322-EFM
)
 TERRELL GIBSON & ASSOCIATES, LLC.,)
 and JOSHUA ALLEY,)
)
 Defendants.)

ORDER TO SHOW CAUSE

The defendants, Terrell Gibson & Associates, LLC., and Joshua Alley, have refused, at least to this point, to participate in this case (indeed, defendants have never even entered an appearance). After default judgment was entered in favor of the plaintiff, Ryan Vander Pluym, and defendants failed to respond to post-judgment discovery, plaintiff filed a motion to compel discovery. The court granted the motion (noting that it was unopposed) and ordered defendants to respond to plaintiff's post-judgment discovery by August 23, 2013 (doc. 20). On August 27, 2013, plaintiff filed a motion for the entry of an order to show cause, stating that defendants still have not responded to the post-judgment discovery (**doc. 21**).¹ Defendants appear to be in contempt of the court's

¹ Plaintiff's brief in support of his motion, filed on September 6, 2013, also stated that defendants have not responded (doc. 23).

discovery order.² Before imposing sanctions, however, the court will provide defendants one additional opportunity to engage in this case.

Accordingly, defendants are ordered to show cause, in writing, by **September 27, 2013**, why they should not be held in contempt of court and subject to monetary sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(C) for failure to comply with the court's post-judgment discovery order. By that same date, plaintiff shall file an affidavit listing the time and related expenses he incurred in filing the instant motion.

Should defendants fail to respond to this show cause order, plaintiff may wish to pursue collection of the judgment by requesting that the court set a judgment debtor examination or a hearing in aid of execution of the judgment.³

IT IS SO ORDERED.

Dated September 9, 2013, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U. S. Magistrate Judge

² See Fed. R. Civ. P. 37(b)(2)(A)(vii).

³ Plaintiff's motion requested that this show cause order warn defendants that their failure to respond would result in, among other things, the issuance of an arrest warrant and a fine of up to \$1,000 for every day in which they failed to comply with the court's discovery order. Doc. 21 at 2. The court ordered plaintiff to file a supporting brief explaining the legal basis for this request. Doc. 22. While plaintiff did file a memorandum in support of his motion (doc. 23), the memorandum does not address these proposed sanctions, and the court does not include them herein.