

A hearing was held on October 4, 2007, for defendant Israel Polansky to show cause why sanctions should not enter for his failure to materially comply with this Court's August 17, 2007 Order.¹

At the hearing, counsel for Mr. Polansky stated that no settlement funds were escrowed on August 31, 2007. Counsel believed that \$23,000 was deposited into his firm's trustee account on October 3, 2007, representing one half of the settlement funds. Mr. Polansky requested until Saturday, December 1, 2007, to pay the remaining \$23,000.

Accordingly, defendant will forthwith pay over to plaintiffs' counsel the escrowed funds of \$23,000. Any delay in transmitting the payment of the escrowed funds shall be immediately reported to the Court.

Defendant's oral request to pay plaintiffs the remaining balance of \$23,000 by December 1, 2007 is **GRANTED** on consent; however, because December 1 is a Saturday, the due date will be Friday, November 30, 2007. Defendant Israel Polansky will execute a promissory note for \$23,000, plus interest calculated at the statutory rate, in a form acceptable to plaintiffs' counsel and will provide disclosure of assets, also in a form acceptable to plaintiffs' counsel, on or before Friday, October 12, 2007.

Plaintiffs are awarded interest on the settlement amount of

¹Israel Polansky was excused from attending the hearing. His counsel, Michael Sulzbach, was present and spoke on his behalf.

\$46,000, calculated from October 16, 2006 at the statutory rate, until such time that the entire settlement amount is paid in full. All monies owed will be paid on or before November 30, 2007.

Plaintiffs agreed to make reasonable efforts to recover data from OSM Communication computers, which will be provided to them. Plaintiffs' cooperation is voluntary. Israel Polansky's payment of the remaining settlement funds by November 30, 2007, is not conditioned on plaintiffs' efforts, cooperation, or results in recovering data.

Plaintiffs' oral Motion to renew their Motion to Reopen was **GRANTED** on the record at the hearing. [**Doc. #178**]. The Motion to Reopen will pend to give the defendant until November 30, 2007 to satisfy the settlement agreement.

SO ORDERED at Bridgeport this 4th day of October 2007.

_____/s/_____
HOLLY B. FITZSIMMONS
UNITED STATES MAGISTRATE JUDGE