

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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USA BANK	:	3:09 CV 519 (JGM)
	:	
v.	:	
	:	
PARKVILLE PLAZA, LLC, ET AL.	:	DATE: DECEMBER 10, 2010
	:	
-----X	:	

RULING ON DJB BUILDING & CONSTRUCTION, LLC'S MOTION TO COMPEL

The factual and procedural history behind this litigation is set forth in considerable detail in this Magistrate Judge's Ruling on DJB Building and Construction, LLC's Motion for Default Judgment, filed July 9, 2010 (Dkt. #90), in the Supplemental Ruling on DJB Building & Construction, LLC's Motion for Default Judgment, filed August 12, 2010 (Dkt. #97), in the Second Supplemental Ruling on DJB Building & Construction, LLC's Motion for Default Judgment, filed August 31, 2010 (Dkt. #97), and in the Third Supplemental Ruling on DJB Building & Construction, LLC's Motion for Default Judgment, filed September 16, 2010 (Dkt. #103), familiarity with which is presumed, and all of which reflect the failure of defendants Parkville Plaza, LLC and Goran Mladen to abide by any obligations to the Court. On October 4, 2010, a deficiency judgment was granted in favor of plaintiff USA Bank against defendant Parkville Plaza, LLC ["Parkville"] and Goran Mladen in the amount of \$1,507,093.99, and judgment was granted on the cross-claim of defendant DJB Building & Construction, LLC ["DJB Building"] against defendants Parkville and Mladen in the amount of \$719,099.54. (Dkt. #105; see also Dkts. ##101-2, 104).

On November 12, 2010, defendant DJB Building filed the pending Motion to Compel (Dkt. #112), against defendant Mladen, regarding Post Judgment Interrogatories served upon him on October 7, 2010. (Id. at 1-2 & Exh. A). Four days before the answer was due,

on November 3, 2010, DJB Building's counsel sent a friendly reminder, by e-mail, to Mladen's counsel. (Id. at 1 & Exh. B). Defendant Mladen failed to serve his responses by November 7, 2010. Five days later, defendant DJB Building filed this motion, in which it seeks defendant Mladen's responses, without objections, within forty-eight hours, as well as reasonable attorney's fees and costs for defendant Mladen's "baseless shenanigans . . . and continued flouting of the Court's authority[,]" daily fines against defendant Mladen, and sanctions against defendant Mladen's counsel. (Id. at 2-5). Defendant DJB Building also asks the Court to order defendant Mladen to appear for a deposition. (Id. at 5). Not surprisingly, defendant Mladen failed to respond to this motion.

Accordingly, defendant DJB Building's Motion to Compel (Dkt. #112) is granted, no timely brief in opposition having been filed. Defendant Mladen shall serve his full and complete responses **on or before December 27, 2010. Defendant Mladen is also required to attend any deposition noticed by defendant DJB Building. If defendant Mladen fails to serve full and complete responses on or before December 27, 2010, or attend any deposition noticed by defendant DJB Building, then defendant DJB Building is free to seek appropriate sanctions, including but not limited to reasonable attorney's fees and costs against defendant Mladen and his counsel, as well as daily fines.**

Dated at New Haven, Connecticut, this 10th day of December, 2010.

/s/ Joan G. Margolis, USMJ
Joan Glazer Margolis
United States Magistrate Judge