

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

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APRIL DESSO	:	3:11 CV 292 (JBA)
	:	
V.	:	
	:	
VANDENBERG CHASE & ASSOCIATES,	:	DATE: NOVEMBER 16, 2012
LLC	:	
-----X	:	

ORDER FOLLOWING HEARING

On February 13, 2012, a default judgment was entered in plaintiff's favor against defendant Vandenberg Chase & Associates, LLC ["defendant Vandenberg"] in the amount of \$17,000, plus \$3,500 in attorney's fees and costs. (Dkt. #16; see also Dkts. ##8-9, 11, 15). On June 29, 2012, plaintiff filed her Motion to Compel Regarding Post-Judgment Discovery (Dkt. #19), which was referred to this Magistrate Judge on July 2, 2012. (Dkt. #20). The motion was granted on July 25, 2012, no timely brief in opposition having been filed, and defendant Vandenberg was ordered to respond by August 31, 2012. (Dkt. #21).

After no response was received by plaintiff, plaintiff filed her Motion for Order to Show Cause (Dkt. #22), which was granted on October 10, 2012. (Dkt. #23). An Order to Show Cause was filed on October 10, 2012, ordering defendant Vandenberg to respond by November 9, 2012 and setting a hearing for today at 11:00 a.m. (Dkt. #24). Service was timely made on defendant Vandenberg. (Dkts. ##25-27). Chris Norman, who had been identified as an officer of defendant Vandenberg, sent a letter and Affidavit to this Magistrate Judge, which represented that he is not currently nor has he ever been a principal of defendant Vandenberg, and that although he was once an employee of defendant Vandenberg, he is no longer employed by it in any capacity. (Dkt. #29). Plaintiff filed a

Response to this affidavit (Dkt. #28), which includes copies of computer entries from the Connecticut Secretary of State and Georgia Secretary of State, listing Norman as "VP Executive" or as "authorized" signator.

At today's hearing, plaintiff's counsel represented he has left numerous telephone messages for Norman, as recently as yesterday, reminding him of today's hearing, and informing him that he needed to be available by telephone for the hearing; plaintiff's counsel further represented that the records of the Georgia Secretary of State still list Norman as "VP/Executive." During the hearing, the Deputy Clerk also placed a telephone call, on speaker phone, to Norman, but the call was not answered and instead went to voice mail.

In light of defendant Vandenberg's continual failure to abide by any and all court orders, or even to respond in any respect, defendant Vandenberg is hereby held in civil contempt, and defendant is hereby ordered to pay a fine of \$1,000 per day, commencing on December 7, 2012, for every day thereafter that it fails to respond to plaintiff's post-discovery requests. Plaintiff is awarded an additional \$2,500 in attorney's fees and \$286.11 in costs, for time and expenses incurred subsequent to February 13, 2012. (Exh. A). The Court holds in abeyance plaintiff's request for an arrest warrant for Norman, which may be renewed by plaintiff after December 10, 2012.

See 28 U.S.C. § 636(b)(**written objections to ruling must be filed within fourteen calendar days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge's recommended ruling may preclude further appeal to Second Circuit**); Caidor v. Onondaga County, 517 F.3d 601, 603-05 (2d

Cir. 2008)(failure to file timely objection to Magistrate Judge's discovery ruling will preclude further appeal to Second Circuit).

Dated at New Haven, Connecticut, this 16th day of November, 2012.

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