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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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12 James L. Gagan, )  
c/o David G. Bray )  
13 Mariscal, Weeks, McIntyre )  
Friedlander, P.A. )  
14 2901 N. Central Ave., )  
Suite 200 )  
15 Phoenix, AZ 85012, )

No. CIV 99-1427-PHX-RCB

16 Plaintiff/Judgment )  
Creditor, )

O R D E R

17 vs. )

18 James A. Monroe )  
19 12880 East Mercer Lane )  
Scottsdale, AZ 85259, )

20 Defendant/Judgment Debtor, )

21 Kim Sullivan a/k/a Kimberley )  
22 Sullivan a/k/a Kim Monroe )  
a/k/a Kimberley Monroe )  
23 a/k/a/ Kimberley Martin )  
a/k/a Kimberly Perry )  
24 a/k/a Kimberley Pirtle )  
a/k/a Kimberley Clark )  
25 12880 East Mercer Lane )  
Scottsdale, AZ 85259, )

26 Garnishee Defendant. )

27 \_\_\_\_\_ )

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1 garnishee/defendant Sullivan.

2 Mr. Gagan is seeking discovery with respect to Ms.  
3 Sullivan because he has a "good faith belief" that she  
4 "possesses assets" of judgment debtor Monroe, "as well as  
5 information responsive to the Writ of Garnishment that was  
6 withheld." Mot. (Doc. 429) at 4:2-3. That belief is based  
7 upon the following.

8 As to Ms. Sullivan's possible possession of Mr. Monroe's  
9 assets, Mr. Gagan believes that Mr. Monroe and his daughter,  
10 Ms. Sullivan, have been living in the same residence "for  
11 years where his personal possessions are stored." Mot. (Doc.  
12 429) at 2:23-24. Despite that, Mr. Gagan points out that in  
13 her garnishment answer, she responded, "'na'" to this  
14 statement: "'I was in possession of the following personal  
15 property belonging to the Judgment Debtor.'" Id. at 2:24-3:1.  
16 Mr. Gagan also is skeptical of Ms. Sullivan's claim that she  
17 has "'no knowledge'" of various business entities established  
18 by her father, Mr. Monroe. See id. at 3:1-6.

19 Mr. Gagan further points out that although during his  
20 deposition Mr. Monroe testified that "he provided money to Ms.  
21 Sullivan in the form of 'rent[,]'" she has indicated to the  
22 contrary. In particular, Ms. Sullivan previously testified  
23 that "there have been 'no transfers' of 'any monies and/or  
24 property, real or personal' to her by Defendant [Monroe] in  
25 the past four (4) years." Id. at 3:8-10. Mr. Gagan argues  
26 that he is entitled to "explore Ms. Sullivan's answers in a  
27 deposition," as to the foregoing. Id. at 3:10-11. And, "if  
28 appropriate," after the deposition, Mr. Gagan wants to serve

1 Ms. Sullivan with a document production request. Id. at 3:11.

2 Lastly, Mr. Gagan wants unspecified discovery regarding  
3 Ms. Sullivan's "participation" in Latekedi Group, LLC, an  
4 Arizona limited liability company, in which she is listed as a  
5 "member," and in Turtle Communications, Inc., a Texas  
6 corporation, of which she is the president. Id. at 3:24; and  
7 exhs. A (Doc. 429-1) at 2-3; and B (Doc. 429-1) at 5-6.

### 8 Discussion

9 Federal Rule of Civil Procedure 69(a)(2) governs  
10 discovery in judgment enforcement proceedings. That Rule  
11 provides that a judgment creditor "may obtain discovery from  
12 *any person* -- including the judgment debtor -- as provided in  
13 these rules or by the procedure of the state where the court  
14 is located." Fed.R.Civ.P. 69(a)(2) (emphasis added). "This  
15 rule entitles a judgment creditor to 'a very thorough  
16 examination of the judgment debtor.'" Internet Direct  
17 Response, Inc. v. Buckley, 2010 WL 1752181, at \*2 (C.D.Cal.  
18 2010) (quoting Credit Lyonnais, S.A. v. SGC Intl, Inc., 160  
19 F.3d 428, 430-31 (8<sup>th</sup> Cir. 1998) (quoting, in turn, Caisson  
20 Corp. v. County West Bldg. Corp., 62 F.R.D. 331, 335  
21 (E.D.Pa.1974)). That is because "[a] judgment creditor 'must  
22 be given the freedom to make a broad inquiry to discover  
23 hidden or concealed assets of the judgment debtor.'" Sequoia  
24 Prop. & Equip. Ltd. P'ship v. United States, 2002 WL 32388132,  
25 at \*3 (quoting, *inter alia*, Caisson Corp., 62 F.R.D. at 334).  
26 "'The scope of postjudgment discovery is very broad to permit  
27 a judgment creditor to discover assets upon which execution  
28 may be made.'" Id. (quoting Federal Deposit Ins. Corp. v.

1 LeGrand, 43 F.3d 163, 172 (5<sup>th</sup> Cir. 1995)). Not only is the  
2 scope of such discovery broad, but “[t]he presumption should  
3 be in favor of full discovery of any matters arguably related  
4 to the [creditors] efforts to trace [the debtor’s] assets and  
5 otherwise to enforce the judgment.” Internet Direct, 2010 WL  
6 1752181, at \*2 (quoting Credit Lyonnais, 160 F.3d at 430-31).

7 In accordance with the foregoing principles, based upon  
8 the record as presently constituted, and there being no  
9 opposition from Ms. Sullivan, the court finds that the  
10 information Mr. Gagan is seeking “is related to [his] efforts  
11 to trace the defendant[] [judgment debtor’s] assets and  
12 otherwise to enforce its judgment, and thus that its discovery  
13 is appropriate.” See Mission Capital Works, Inc. v. SC  
14 Restaurants, Inc., 2009 WL 4895315, at \*2 (citing Credit  
15 Lyonnaise, 160 F.3d at 431). The court therefore **GRANTS** Mr.  
16 Gagan’s request to “undertake formal discovery with respect to  
17 Ms. Sullivan’s garnishment answer and with regard to the  
18 transfers, transactions, and relationships between and among  
19 the Judgment Debtor and his daughter garnishee Kimberly  
20 Sullivan[.]” Mot. (Doc. 429) at 4:6-8.

21 Accordingly, the court hereby:

22 (1) **GRANTS** the judgment creditor’s “Request for Discovery  
23 Re: Kimberly Sullivan[;]” (Doc. 429); such discovery **shall be**  
24 **completed within ninety (90) days of the date of entry of this**  
25 **order**; and the court **shall set a hearing date within two (2)**

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1 **weeks** after completion of that discovery.

2 DATED this 19th day of November, 2012.

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Robert C. Broomfield  
Senior United States District Judge

copies to all counsel of record and  
garnishee/defendant Kim Sullivan *pro se*