

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9 Dean Wine, as Trustee of the Plaintiff)
Taft-Hartley trust funds; et al.,

No. CV-08-0874-PHX-LOA

10

Plaintiffs,

ORDER TO SHOW CAUSE

11

vs.

12

13

SCH Electric, L.L.C.,

14

Defendant.

15

16

This matter is before the Court on Plaintiffs' Motion to Hold Defendant In Contempt of Court, filed on September 25, 2008. (docket # 22)

17

18

19

Good cause appearing that Defendant has not complied with the Court's August 28, 2008 Default Judgment, docket # 19, and that Stanley Halls is the sole manager and a member of Defendant SCH Electric, L.L.C., a limited liability corporation,

20

21

22

IT IS ORDERED that Respondent Stanley Halls shall physically appear before the United States District Court for the District of Arizona in the Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona, Third Floor, Courtroom 302, **on October 27, 2008, at 1:30 p.m.**, to show cause why he and Defendant SCH Electric, L.L.C. should not be held in indirect civil contempt for Defendant's

23

24

25

26

27

28

1 non-compliance with the Default Judgment.¹

2 **IT IS FURTHER ORDERED** that:

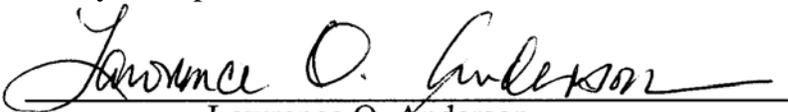
3 1. Within **fourteen (14)** days of service of copies of this order, Stanley Halls
4 or his attorney shall file with the Clerk of the Court and serve on the Plaintiffs' counsel a
5 written response to the Plaintiffs' Motion to Hold Defendant In Contempt of Court. Any
6 defenses to Plaintiffs' Motion that Stanley Halls or Defendant desires to make in opposition
7 shall be made in this written response and shall be supported by appropriate affidavits.

8 2. Within **ten (10)** days of service of any written response filed by Stanley
9 Halls or his attorney, Plaintiffs may file an optional reply. Only those issues raised by
10 Plaintiffs' Motion or brought into controversy by the opposition shall be considered by the
11 Court, and any uncontested allegations in the motion shall be deemed admitted.

12 **IT IS ORDERED** that the United States Marshal Service is directed to serve a
13 certified copy of this Order to Show Cause and Plaintiffs' Motion to Hold Defendant In
14 Contempt of Court upon Stanley Halls and thereafter file a Return of Service.

15 Stanley Halls is hereby forewarned that failure to comply with this Order to Show
16 Cause or the Default Judgment may result in the issuance of a civil arrest warrant executed by the
17 United States Marshal Service and that Stanley Halls may be held in custody until Defendant SCH
18 Electric, L.L.C. purges the contempt.

19 DATED this 26th day of September, 2008.

20 
21 Lawrence O. Anderson
22 United States Magistrate Judge

23
24 ¹ "When the parties have consented to a magistrate judge's exercising plenary
25 jurisdiction over an action pursuant to 28 U.S.C. § 636(c), . . . the magistrate judge may
26 exercise the civil contempt authority of the district court. 28 U.S.C. § 636(e)(4)."
27 *Leadsinger v. Cole*, 2006 WL 2266312, at * 6 (S.D.N.Y. 2006) (internal quotation marks
28 omitted). Defendant SCH Electric, L.L.C. has neither appeared nor consented to date. If
Defendant elects to have the case assigned to a district judge or does nothing, this Magistrate
Judge will proceed under 28 U.S.C. § 636(e)(6)(B). *N.L.R.B. v. Steele*, 2008 WL 474077
(E.D. Mich. 2008).