DZ Bank AG Deutsche Zentral-Genossenschaftsbank v. Gomez et al Doc. 31

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

DZ Bank AG Deutsche Zentral-Genossenschaftsbank Plaintiff, vs. Art Gomez, et al., Defendants.	CV-09-02681-PHX-NVW **ORDER**

On September 29, 2010, the assigned District Judge, the Honorable Neil V. Wake, found that Defendant Art Gomez was served personally with a subpoena to appear before a court reporter for his deposition on September 21, 2010 and that he failed to appear for that deposition. (Doc. 24) Judge Wake granted Plaintiff's Motion for Issuance of Civil Arrest Warrant, filed on September 21, 2010, and ordered that the United States Marshal Service "arrest Mr. Art Gomez, anytime of the day or night, and any day of the week[]." (*Id.* at 1) Judge Wake further ordered that "Mr. Art Gomez be brought before the Honorable Neil V. Wake, or if said Judge is absent or unable to act, the nearest or most accessible judge" and that Defendant Art Gomez post a $1000.00 bond before he is released from USMS custody. (*Id.* at 2) Because Judge Wake was absent from the U.S. Courthouse on October 1, 2010 after Mr. Gomez was arrested, Judge Wake referred Mr. Gomez' arrest to the undersigned Magistrate Judge for resolution.

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On Friday, October 1, 2010, a hearing was held in open court. Plaintiff's counsel, David N. Ingrassia, appeared telephonically. Defendant Art Gomez was informed why he was arrested but he was unable, through his wife or a friend, to post a $1000.00 bond in cash, money order or cashier's check before the finance office closed at 5:00 p.m. (Doc. 26) Mr. Gomez was detained by the USMS until Monday morning, October 4, 2010.

Upon the posting of a $1000.00 bond on October 4, 2010, Mr. Gomez was released without conditions except full compliance with Plaintiff's subpoena for documents and sitting for his deposition. (Doc. 26)

Having conferred with Plaintiff's counsel and Mr. Gomez on the dates and times set forth below,

IT IS ORDERED that on or before **Friday, October 8, 2010 at 3:00 p.m.** Defendant Art Gomez shall produce true and complete copies of all documents that were previously subpoenaed by Plaintiff's counsel and deliver, or have delivered, such documents to David N. Ingrassia, DAVID N. INGRASSIA, P.C., 3941 E. Chandler Boulevard, Suite 106, Phoenix, AZ 85048.

IT IS FURTHER ORDERED that on **Thursday, October 14, 2010 at 10:00 p.m.** Defendant Art Gomez shall physically appear for his deposition at the office of court reporters Brown & Toleu at their address identified on the subpoena. The deposition shall not exceed seven hours of questioning.

IT IS FURTHER ORDERED that after Defendant Art Gomez has produced all of the subpoenaed documents and completed his deposition, Plaintiff's counsel shall promptly file a notice of compliance so that the $1000.00 bond may be exonerated by subsequent court order.

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IT IS FURTHER ORDERED directing the Clerk of the Court to mail a copy of this order to Mr. Art Gomez, 600 W. Gail Drive, Chandler, AZ 85225.

Dated this 6th day of October, 2010.

Lawrence O. Anderson
United States Magistrate Judge