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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Michael Blemaster,

10 Plaintiff,

11 v.

12 Horatiu Cornelius Sabo, et al.,

13 Defendants.
14

No. CV-16-04557-PHX-JWS

ORDER

15 Plaintiff/Judgment Creditor Michael Blemaster has filed two motions for judgment
16 debtor examinations of Floran Ivan and the law firm of Ivan & Kilmark, PLC
17 (“Judgment/Debtors”). (Docs. 122, 123.) The Hon. John W. Sedwick, Senior District
18 Judge, referred these motions to Magistrate Judge Bridget S. Bade. (128.) The motions
19 for judgment debtor examinations seek testimony concerning the Judgment Debtors’
20 ability to satisfy the \$6,075.57 judgment entered in this Court on June 1, 2018, at Docket
21 No. 117. (Docs. 122, 123.)

22 Judgment/Debtor Florin Ivan (“Ivan”) has filed a response to the motion for
23 judgment debtor examination seeking his testimony (Doc. 122) and argues that this Court
24 entered a sanctions award against him in violation of his due process rights.¹ (Doc. 132
25 at 5-7.) Ivan also states that he has filed a notice of appeal to the Ninth Circuit from the
26 judgment (*see id.* at 5, Doc. 130) and, therefore, the Court should deny the motion for a

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28 ¹ Ivan’s response does not address the motion for judgment debtor examination seeking
testimony of a representative of Ivan & Kilmark (Doc. 123), and refers only to a singular
motion for a judgment debtor examination. (*See* Doc. 132 at 1, 5, and 7.)

1 judgment debtor examination seeking his testimony “until the Ninth Circuit renders a
2 decision on the merits.” (Doc. 132 at 7.) Ivan also objects to the request for production
3 of documents served with the Order setting the Judgment Debtor Examinations. As set
4 forth below, the Court rejects these arguments and reaffirms its Order setting the
5 Judgment Debtor Examinations.

6 **I. The Court has Previously Rejected Judgment Debtor’s Due Process**
7 **Arguments and His Arguments to Stay Enforcement of the Sanctions Order**
8 **Pending Appeal.**

9 In several filings, Ivan has argued that the Court’s sanctions order was entered in
10 violation of his due process rights. (Docs. 80, 88, 101.) The Court has rejected these
11 arguments in several orders. (Docs. 87, 91, 115; *see also* Doc. 116 (rejecting defense
12 attorneys’ argument that the Court imposed sanctions without allowing them an
13 opportunity to argue that their conduct was not sanctionable, and stating “[d]efense
14 attorneys have already pressed this argument in many iterations of their refusal to pay.”).)

15 The Court also rejected the argument that the defense attorneys were not required
16 to pay the sanctions until final judgment was entered. (Doc. 87 at 2.) The Court
17 explained that its sanctions order, under Rule 26(g)(3), is “immediately enforceable” and
18 stated that after “an appealable final judgment has been entered, the attorney can file an
19 appeal *to seek repayment.*” (*Id.* (emphasis added) (citing *Cunningham v. Hamilton Cty.,*
20 *Ohio*, 527 U.S. 198, 211 (1999) (Kennedy, J., concurring) (explaining that the district
21 court has discretion to delay payment of sanctions if a hardship is present)).) In
22 subsequent orders, the Court stated that it had “clarif[ied] to [d]efense [a]ttorneys that
23 they did in fact have to pay the discovery sanction and could not wait for a ruling on any
24 potential appeal in this case.” (Doc. 91 at 1; *see also* Doc. 116 at 2 (same).) The Court
25 also denied the defense attorneys’ motion to stay enforcement of the sanctions order
26 pending appeal. (Doc. 115.)

27 Therefore, the Court finds that Ivan may not attempt to relitigate his objections to
28 the Court’s sanctions order in his response to the motion for a judgment debtor
examination. The Court has already rejected these arguments and the Court’s referral of

1 the motions for judgment debtor examinations to a magistrate judge does not provide a
2 basis for Ivan to attempt to reargue his objections. Indeed, the Court could reasonably
3 conclude that a party attempting to reargue previously-rejected positions when a matter is
4 referred to another judge for judgment collection is simply judge shopping.

5 **II. Judgment Debtor’s Appeal from Final Judgment Does Not Support a Stay.**

6 Ivan also attempts to distinguish the current procedural posture of the case from its
7 posture at the time the Court denied his motion to stay enforcement of the sanctions
8 order. Ivan asserts that the Court denied the motion to stay enforcement of the sanctions
9 order because the Ninth Circuit dismissed an interlocutory appeal. (Doc. 132 at 4
10 (quoting Doc. 115).) He states that the clerk has entered a final judgment, which he has
11 appealed and, therefore, he argues that the enforcement of the sanctions order through
12 collection of the judgment should be stayed pending resolution of the appeal. (*See id.* at
13 4-5.)

14 Ivan does not support any authority to support his argument that judgment
15 collection should be stayed during an appeal. In contrast, the Judgment Creditor cites *In*
16 *re Padilla*, 222 F.3d 1184 (9th Cir. 2000), in which the Ninth Circuit explained that
17 “[a]bsent a stay or supersedeas, the trial court also retains jurisdiction to implement or
18 enforce the judgment or order but may not alter or expand upon the judgment.” *Id.* at
19 1190. Therefore, the Court concludes that Ivan’s appeal from the final judgment does not
20 provide a basis to stay judgment collection proceedings, including judgment debtor
21 examinations.

22 **III. Judgment Debtor’s Objections to the Request for Production are Insufficient.**

23 Ivan also makes generalized objections to the request for production of documents
24 entered with the Order setting the Judgment Debtor Examination. (Doc. 132 at 7-9.) He
25 objects that the requests are overbroad, unduly burdensome, and are not proportional to
26 the needs of the case. He objects that he does not want to produce his financial records to
27 the Judgment Creditor, who he describes as a “convicted fraudster.”² He also objects that

28 ² To the extent Ivan has verifiable concerns about providing financial records to the
Judgment Creditor, he could resolve this issue by seeking an agreement or order that such

1 it would be overly burdensome for him to obtain his financial records because of his
2 physical disabilities.³

3 The Court rejects these generalized objections because Ivan does not apply these
4 objections to any specific request for production. Instead, it appears he is attempting to
5 object to the request for production as a group, without identifying any objection to a
6 particular request for production. These objections do not comply with Rule 34(b)(2)(B),
7 which requires that, for each request for production, a party must state with specificity its
8 grounds for objecting. Fed. R. Civ. P. 34 (b)(2)(B); *see also Walker v. Lakewood*
9 *Condominium Owners Ass'n*, 186 F.R.D. 584, 587 (C.D. Cal. 1999) (explaining that
10 generalized objections are inadequate) (citations omitted).

11 Finally, Ivan objects to Request No. 7 because he asserts that it seeks information
12 about the identity of his clients and the nature of their payment obligations, which he
13 asserts is protected by the attorney-client privilege. (Doc. 132 at 9.) He acknowledges
14 that the request states that information may be redacted to protect any applicable
15 attorney-client privilege, but he asserts, without explanation or citation to authority, that
16 redacting the information would not protect privileged information. In contrast, the
17 Judgment Creditor cites several cases to support its argument that the identity of clients
18 and their fee arrangements are not privileged. (Doc. 136 at 3-4.) The Court need not
19 resolve this issue to address the objection to Request No. 7. The Court rejects Ivan's
20 objection because he has not explained, or even attempted to explain, why redacting
21 information that he deems privileged would not be sufficient to protect any applicable

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23 records shall be disclosed "for attorney eyes only." His attacks on the Judgment Creditor
24 do not state a sufficient objection to responding to the Judgment Debtor Examination.

25 ³ Ivan asserts, without explanation, that responding to the Judgment Debtor Examination
26 is outside the scope of his job and, therefore, his employer will not provide the assistance
27 that he normally receives when litigating matters. However, Ivan is the named partner in
28 his firm and therefore it appears that he is self-employed and has the authority to direct
firm resources to assist him in this matter. Ivan also does not explain how responding to
collection activities, for a judgment entered against him and the firm for conduct
representing clients, is outside the scope of his job. Therefore, the Court rejects his
argument that he cannot respond to the judgment debtor examination because of his
physical disabilities.

1 attorney client privilege. Therefore, the Court rejects Ivan's objection to Request No. 7.

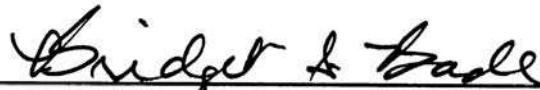
2 Accordingly,

3 **IT IS ORDERED** that the Court's Order (Doc. 133) is **AFFIRMED**, and the
4 Judgment Debtor Examinations set in that Order for August 22, 2018 will proceed.

5 **IT IS FURTHER ORDERED** that Judgment Debtor Florin Ivan's requests that
6 the Court deny the motion for a judgment debtor examination, as set forth in his response
7 to the motion seeking his testimony in a judgment debtor examination (Doc. 132), is
8 **DENIED**.

9 **IT IS FURTHER ORDERED** that the Court rejects as insufficient Judgment
10 Debtor Florin Ivan's objections to the requests for production included in the Order
11 setting the Judgment Debtor Examinations.

12 Dated this 16th day of July, 2018.

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Bridget S. Bade
17 United States Magistrate Judge
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