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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

 Plaintiff,

 v.

MARSHA A. MAIMONE,

 Defendant.

CV 10-1497 ABC (PLAx)

ORDER TO SHOW CAUSE RE CONTEMPT
FOR FAILURE TO APPEAR AT
JUDGMENT DEBTOR EXAMINATIONS

Defendant and Judgment Debtor Marsha A. Maimone was ordered to appear before Magistrate Judge Abrams for judgment debtor examinations on two different occasions, November 16, 2010 and January 4, 2011, but she did not appear at either time. Plaintiff and Judgment Creditor government requests an Order to Show Cause why she should not be held in contempt for failing to appear. The Court accepts the facts certified by Magistrate Judge Abrams pursuant to 28 U.S.C. § 636(e)(6) (Docket No. 20):

1. On September 20, 2010, Judge Abrams ordered Judgment debtor
MARSHA A. MAIMONE to attend her examination before Judge Abrams on
November 16, 2010 at 10:00 a.m. (Docket No. 13). The order included
the following language in capital letters:

NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL TO APPEAR
AT THE TIME AND PLACE SPECIFIED IN THIS ORDER, YOU
MAY BE SUBJECT TO ARREST AND PUNISHMENT FOR
CONTEMPT OF COURT, AND THE COURT MAY MAKE AN ORDER
REQUIRING YOU TO PAY THE REASONABLE ATTORNEY'S
FEES INCURRED BY THE JUDGMENT CREDITOR IN THIS
PROCEEDING. See CCP 708.110(e).

2. The Order was personally served on judgment debtor MARSHA A.
MAIMONE on September 25, 2010 by a registered process server. (Docket
No. 14).

3. On November 16, 2010, the examination of judgment debtor
MARSHA A. MAIMONE came on regularly for hearing before Judge Paul L.
Abrams; however, judgment debtor MARSHA A. MAIMONE did not appear.
(Docket No. 15).

4. On November 16, 2010, Judge Abrams continued the judgment
debtor MARSHA A. MAIMONE's examination to January 4, 2011 at 10:00
a.m. (Docket No 15). This Order also contained the warning in capital
letters:

THE JUDGMENT DEBTOR IS HEREBY ADVISED THAT FAILURE
TO APPEAR AT THE TIME AND PLACE SPECIFIED FOR THE
RESCHEDULED EXAMINATION MAY SUBJECT HER TO ARREST
AND PUNISHMENT FOR CONTEMPT OF COURT, AS WELL AS
ADDITIONAL COSTS FOR PLAINTIFF'S ATTORNEY'S
APPEARANCE AT FUTURE HEARINGS.

5. The Order of November 16, 2010, was personally served on judgment debtor, MARSHA A. MAIMONE on November 21, 2010 by a registered process server. (Docket No. 16).

6. On January 4, 2011, the examination of judgment debtor MARSHA A. MAIMONE came on regularly for hearing before Judge Paul L. Abrams; however, judgment debtor MARSHA A. MAIMONE did not appear.

7. Judgment debtor MARSHA A. MAIMONE failed to comply with the Court's order of November 16, 2010, resetting her judgment debtor examination on January 4, 2011, by failing to appear for her examination.

8. As a result of these post-judgment proceedings, judgment creditor Government has incurred reasonable attorney's fees and costs in an amount to be determined.

Based on these facts, the Court **ORDERS MS. MAIMONE TO SHOW CAUSE** why she should not be found in civil contempt based upon her non-appearance at her debtor examinations as ordered on November 16, 2010 and January 4, 2011. **A hearing on this Order to Show Cause shall take place before Chief Judge Audrey B. Collins on March 14, 2011 at 10:00 a.m. in Courtroom 680, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.**

If Ms. Maimone objects to being held in civil contempt, she shall file a legal memorandum of points and authorities containing her objections **no later than February 28, 2011.** The government may file a response **no later than March 7, 2011.**

The government is **ORDERED to personally serve** this Order on Ms. Maimone and file proof of that service **no later than February 10, 2011.**

Ms. Maimone is advised that, should she fail to appear before this Court on the date and time ordered, among the civil penalties to which she may be subject are fines and imprisonment and a bench warrant may be issued for her arrest.

Ms. Maimone is also urged to consider retaining counsel for the March 14, 2011 hearing.

IT IS SO ORDERED.



DATED: January 26, 2011

AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE

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