

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 CRATERS & FREIGHTERS,

5 Plaintiff,

6 v.

7 DAISYCHAIN ENTERPRISES, dba
8 FREIGHT & CRATE; CATHY BENZ; and
9 FRED BENZ.

10 Defendants.

No. C 09-04531 CW

ORDER DIRECTING
DEFENDANTS TO COMPLY
WITH COURT'S ORDERS

11 _____/
12 On June 30, 2014, the Court entered an order awarding
13 Plaintiff \$15,622.15 in attorneys' fees and costs (Docket No. 165)
14 and an order granting Plaintiff \$1,000 in contempt sanctions
15 (Docket No. 166). Both orders directed Defendants to pay
16 Plaintiff within seven days of the date of the order. The order
17 awarding attorneys' fees and costs advised Defendants that if they
18 were unable to pay the full \$15,622.15 within seven days of the
19 date of the order, they must pay "what they can" and "file a
20 financial affidavit and a proposed payment plan within seven days
21 of the date of [the June 30] order." Docket No. 165.

22 On July 7, 2014, the day that payment of both amounts or
23 partial payment and a financial affidavit and proposed payment
24 plan were due, Defendants filed a "Motion for 30 Day Extension of
25 Court's Orders of June 30, 2014." In that motion, Defendants
26 stated that they were "in the process of collecting funds as
27 ordered by the Court but will need 30 days to attain said funds."
28 Docket No. 168. However, Defendants did not submit any financial

1 affidavits to support a finding that they are unable to pay any
2 portion of the \$16,622.15 due or that they required thirty days to
3 pay the amount in full. Moreover, the Court did not offer
4 Defendants any extension on payment of \$1,000 in contempt
5 sanctions.

6 On July 8, 2014, the Court denied Defendants' motion for
7 extension of time and ordered Defendants to pay Plaintiff
8 \$16,622.15 within three days of the date of that order. The Court
9 again advised that, if Defendants were not able to pay the full
10 amount within three days, they must pay at least the \$1,000 in
11 contempt sanctions and any portion of the attorneys' fees and
12 costs that they were then able to pay. The Court further ordered
13 that, if Defendants made a partial payment, they must also file a
14 financial affidavit disclosing all assets and liabilities, signed
15 under penalty of perjury, and a proposed payment plan, within
16 three days of the date of the order.

17 On July 15, 2014, two days after the deadline set out in the
18 Court's July 8 order, the Court received various documents from
19 Defendants. These documents include a purported promissory note
20 in the amount of \$16,622.15 and a declaration from Defendant Fred
21 Benz that states that "all monies provided for in the matter on
22 file herein have been deposited with the Clerk of the District
23 Court and credited and posted in the above captioned action."
24 Docket No. 171. The declaration further indicates that "the party
25 for whose benefit this order is being presented is entitled to
26 withdraw the sum of \$16,622.15." Id. However, Defendants have
27 not submitted any payment to the Court, only the purported
28 promissory note. Moreover, the Court directed Defendants to make

1 payment to Plaintiff, not to the Court. Again, Defendants have
2 made no effort to comply with the Court's prior orders directing
3 them to make full payment or to make partial payment, along with a
4 financial affidavit and a proposed payment plan.

5 The Court again orders Defendants to pay Plaintiff \$16,622.15
6 within three days of the date of this order. If Defendants are
7 not able to pay this amount within three days of the date of this
8 order, they must pay at least the \$1,000 in contempt sanctions and
9 any amount of the attorneys' fees and costs that they are
10 currently able to pay. If Defendants make a partial payment, they
11 must also file a financial affidavit disclosing all assets and
12 liabilities, signed under penalty of perjury, and a proposed
13 payment plan, within three days of the date of this order. If
14 Defendants do not comply with the Court's order within three days
15 of the date of this order, Defendants are ordered to show cause
16 why they should not be assessed \$100 in contempt sanctions for
17 every day, beginning July 21, 2014, that they do not comply with
18 the Court's order. Unless Defendants comply with this order, the
19 response to the order to show cause is due within four days of the
20 date of this order.

21 IT IS SO ORDERED.

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23 Dated: 7/15/14



CLAUDIA WILKEN
United States District Judge

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