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 7 Trust Fund for Operating Engineers, et al.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 PENSION PLAN FOR PENSION TRUST FUND  
 FOR OPERATING ENGINEERS, et al.,  
 12  
 Plaintiffs,  
 13  
 v.  
 14  
 MARK PARR, an individual, *dba* TRI-VALLEY  
 15 SWEEPING, et al.  
 16  
 Defendants.

Case No. 3:17-cv-02261-HSG-JSC

**[PROPOSED] ORDER TO SHOW CAUSE  
 RE CONTEMPT FOR FAILURE TO  
 APPEAR AT DEBTOR’S EXAMINATION;  
 ORDER SETTING HEARING ON ORDER  
 TO SHOW CAUSE**

18 Plaintiffs PENSION PLAN FOR PENSION TRUST FUND FOR OPERATING ENGINEERS,  
 19 et al. (“Plaintiffs”) obtained a default judgment against Defendant MARK PARR on January 16, 2020 in  
 20 the amount of \$180,145.51 for assessed withdrawal liability under ERISA. (Dkt. No. 89). Under the  
 21 Judgment, Mr. Parr is obligated to provide information to Plaintiffs to enable the Pension Plan to  
 22 determine withdrawal liability issues.

23 The Court issued an Order to Appear for Examination to Mr. Parr on July 22, 2020. (Dkt. No.  
 24 98). The Order to Appear for Examination and a Civil Subpoena (Duces Tecum) for Personal  
 25 Appearance and Production of Documents, was personally served on Mr. Parr on July 24, 2020. (Dkt.  
 26 No. 100). The Order to Appear for Examination and Civil Subpoena directed Mr. Parr to appear on  
 27 August 21, 2020 at 9:30 a.m. via Zoom before Chief Magistrate Judge Joseph C. Spero for a Debtor’s  
 28

1 Examination and produce requested documents. On August 10, 2020, counsel for Plaintiffs sent a letter  
2 to Mr. Parr to confirm the August 21, 2020 Debtor's Examination.

3 On August 21, 2020, the Court conducted the Debtor's Examination at 9:30 a.m. but Mr. Parr  
4 failed to appear.

5 Accordingly, Defendant MARK PARR is ORDERED to personally appear on **September 18,**  
6 **2020, at 9:30 a.m.** via Zoom (Zoom information can be found on Judge Spero's web page at  
7 <https://www.cand.uscourts.gov/judges/spero-joseph-c-jcs/>) and SHOW CAUSE why the Court should  
8 not hold Mr. Parr in contempt and impose sanctions, including but not limited to monetary sanctions or  
9 incarceration in county jail or in prison, for Mr. Parr's failure to appear for the August 21, 2020 Debtor's  
10 Examination. Alternatively, Mr. Parr may appear at the Order to Show Cause hearing and be prepared  
11 to conduct the Debtor's Examination and produce the documents requested in the Civil Subpoena.

12 IT IS SO ORDERED.

13 DATED: August 24, 2020

14  
15 By: \_\_\_\_\_

  
16 JOSEPH C. SPERO  
17 Chief Magistrate Judge  
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