

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 07-cv-01465-LTB-CBS

THE EIGHTH DISTRICT ELECTRICAL PENSION FUND,
THE EIGHTH DISTRICT ELECTRICAL PENSION FUND ANNUITY PLAN,
TRUSTEES OF EIGHTH DISTRICT ELECTRICAL PENSION FUND & ANNUITY PLAN,
THE EIGHTH DISTRICT ELECTRICAL BENEFIT TRUST FUND,
TRUSTEES OF EIGHTH DISTRICT ELECTRICAL BENEFIT TRUST FUND,
DENVER JOINT ELECTRICAL APPRENTICESHIP AND TRAINING COMMITTEE, and
TRUSTEES OF DENVER JOINT ELECTRICAL APPRENTICESHIP AND TRAINING
COMMITTEE,

Plaintiff/Judgment Creditors,

v.

ELECTRICAL FORCES LLC,

Defendant/Judgment Debtor, and

THOMAS JAMES GACCETTA, owner of Electrical Forces,

Interested Party.

ORDER

This case is before me on the recommendation of the Magistrate Judge issued and served on March 28, 2011 (Doc 47). Defendant Electrical Forces LLC, and Thomas James Gaccetta, as owner of Defendant, have failed to file specific written objections to the Magistrate Judge's recommendation and are therefore barred from *de novo* review. Accordingly, it is

ORDERED that the recommendation is accepted as follows:

1. Defendant Electrical Forces, LLC, and Thomas James Gaccetta, as owner of Defendant, are found in civil contempt of (a) failing to comply with the Court's January 26, 2010 Order to answer Plaintiffs' Interrogatories to Judgment Debtor and Request for Production of Documents Pursuant to Fed. R. Civ. P. 69 (Doc 41-1) and (b) failing to comply with the Court's July 1, 2010 Order to Show Cause.

2. A bench warrant shall issue for the United States Marshal to arrest Thomas James Gaccetta. Mr. Gaccetta's last known address of record with the court is 9180 West 74th Avenue, Arvada, Colorado 80005.

3. Thomas James Gaccetta shall be arrested and coercively incarcerated until he and Defendant purge themselves of contempt by complying with the Court's January 26, 2010 Order and the Court's July 1, 2010 Order to Show Cause and answering the interrogatories.

4. Upon the arrest and coercive incarceration of Mr. Gaccetta, the court shall hold a prompt hearing to address his and Defendant's contempt.

5. The Plaintiffs shall notify the District Court immediately if and when they or their counsel receive any response by Defendant or Mr. Gaccetta to the interrogatories, whether or not Plaintiffs find such response satisfactory. Upon such notice of response, the Court shall suspend any bench warrant issued for Mr. Gaccetta's arrest. If there are any issues regarding the completeness or accuracy of such response, Plaintiffs may move the Court for further action as appropriate.

6. Plaintiffs may recover their reasonable attorneys' fees and costs associated with Plaintiffs' Motion to Compel Defendant to Answer Interrogatories and for Hearing to Show Cause Why Defendant Should Not Be Held in Contempt (Doc 27) and Verified

Motion for Order to Show Cause (Doc 41) and the Court's January 26, 2010 Motions Hearing and August 23, 2010 Show Cause Hearing. Plaintiffs should submit a bill of costs supplying specific amounts and details sufficient to demonstrate the reasonableness of their attorneys' fees and costs.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge

DATED: April 13, 2011