

United States District Court
District of Massachusetts

JOSEPH IANTOSCA, Individually)
and as Trustee of the Faxon)
Heights Apartments Realty Trust)
and Fern Realty Trust, BELRIDGE)
CORPORATION, GAIL A. CAHALY,)
JEFFREY M. JOHNSTON, BELLEMORE)
ASSOCIATES, LLC, and)
MASSACHUSETTS LUMBER COMPANY,)
INC.,)

Plaintiffs,)

v.)

BENISTAR ADMINISTRATIVE)
SERVICES, INC., DANIEL)
CARPENTER, MOLLY CARPENTER,)
BENISTAR PROPERTY EXCHANGE TRUST)
COMPANY, INC., BENISTAR LTD.,)
BENISTAR EMPLOYER SERVICES TRUST)
CORPORATION, CARPENTER FINANCIAL)
GROUP, LLC, STEP PLAN SERVICE)
INC., BENISTAR INSURANCE GROUP,)
INC., and BENISTAR 419 PLAN)
SERVICES INC.,)

Defendants,)

TRAVELERS INSURANCE COMPANY and)
CERTAIN UNDERWRITERS AT LLOYD'S,)
LONDON,)

Reach and Apply)
Defendants.)

CERTAIN UNDERWRITERS AT LLOYD'S,)
LONDON and All Participating)
Insurers and Syndicates,)

Third-Party Plaintiff,)

v.)

WAYNE H. BURSEY,)
Third-Party Defendant.)

Civil Action No.
08-11785-NMG

MEMORANDUM & ORDER

GORTON, J.

Defendants have inquired as to whether the show cause hearing scheduled for Thursday, August 4, 2011, at 3:00 p.m. will go forward. Of the four depositions that the Court ordered completed in its July 7, 2011 Order ("the Court Order"), two are completed, one will be completed shortly by agreement of the parties and one has been postponed as a result of this Court's protective order entered on August 1, 2011. Thus, with respect to the depositions, the hearing is unnecessary.

Defendants also express uncertainty about who is responsible to pay the sanctions imposed on July 7, 2011, in the amount of \$7,000. The four defendants who were the subjects of the Court Order, Molly Carpenter, Wayne Bursey, Donald Trudeau and Daniel Carpenter, are jointly and severally liable for those sanctions. Although the Court allowed Carpenter's motion for a protective order, it finds that Carpenter was dilatory in filing that motion and, therefore, remains responsible for the \$7,000 in sanctions.

If defendants cannot assure this Court before 5:00 p.m. today that the \$7,000 sanction has been paid or will be paid before the close of business on Friday, August 5, 2011, they shall all appear at the scheduled hearing, on August 4, 2011, to show cause why they should not be held in contempt of this Court

for failure to comply with this Court's Order.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated August 3, 2011