UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

BAYVIEW LOAN SERVICING, LLC,

Plaintiff,	Case No. 10-11693
v.	Honorable David M. Lawson
ODELL BLACKMON,	
Defendant.	

ORDER GRANTING PLAINTIFF'S MOTION AND ORDERING DEFENDANT TO APPEAR AND SHOW CAUSE

On July 29, 2011, the plaintiff filed a motion for entry of an order to show cause why defendant Odell Blackmon should not be held in contempt for failing to appear for his creditor's examination. On June 4, 2010, the Clerk of the Court entered a default judgment against the defendant in the amount of \$224,628.88. After exhausting other forms of debt collection, the plaintiff issued a subpoena to the defendant to conduct a creditor's examination on March 3, 2011 and personally served the defendant with this subpoena. The defendant failed to appear for the examination and has failed to provide any reason for not attending.

The Court may enforce compliance with and punish violations of Federal Rule of Civil Procedure 45 through its contempt power. Fed. R. Civ. P. 37(b)(2)(A)(vii); *see also United States v. Conces*, 507 F.3d 1028, 1041-42 (6th Cir. 2007). The Court will grant the plaintiff's motion and enter an order requiring the defendant to show cause for his failure to appear for his creditor's examination pursuant to a duly issued and served subpoena.

Accordingly, it is **ORDERED** that the plaintiff's motion for order to show cause [dkt. #35] is **GRANTED**.

It is further **ORDERED** that defendant Odell Blackmon shall appear with counsel in the

Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Courtroom 860, Detroit,

Michigan, for a hearing on August 24, 2011 at 2:00 p.m. at which time the defendant must show

cause why he should not be held in contempt of court for his failure to appear for a creditor's

examination pursuant to a duly issued and served subpoena.

It is further **ORDERED** that the plaintiff must personally serve defendant Odell Blackmon

with a copy of this order on or before Monday, August 15, 2011.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: August 4, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first

class U.S. mail on August 4, 2011.

s/Deborah R. Tofil

DEBORAH R. TOFIL

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