

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGANLABORERS' PENSION TRUST FUND-DETROIT
& VICINITY, *et al*,

Plaintiffs,

Case No. 12-cv-10500

v

Hon. Patrick J. Duggan

FERGUSON'S ENTERPRISES, INC.,

Defendant.

ORDER ADJUDGING BOBBY W. FERGUSON IN CONTEMPT OF COURT
AND ESTABLISHING PROCEDURE FOR ISSUANCE OF BENCH WARRANT

THIS MATTER having come on to be heard upon application of David M. Eisenberg, one of the attorneys for Plaintiffs, for order to show cause why Bobby W. Ferguson should not be held in contempt of court for his failure to comply with this court's Amended Order for Examination of Judgment Debtor entered on August 6, 2012 [Docket No. 58], which required, *inter alia*, the appearance of Bobby W. Ferguson for purposes of a judgment debtor examination and production of certain books and records, a hearing to show cause why this court's order for contempt should be entered having been scheduled for January 22, 2013, Bobby W. Ferguson having received notice of hearing as appears from the Certificates of Service filed with this court [Docket Nos. 67 and 68], a hearing having been conducted on January 22, 2013, Bobby W. Ferguson having failed to appear, the court having considered oral argument, being otherwise fully advised in the premises and finding good cause for entry of this order,

NOW THEREFORE;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Bobby W. Ferguson is hereby adjudged in contempt of this court for his failure to comply with this court's order of August 6, 2012 by failing to appear for a judgment debtor examination and failing to produce certain books and records.

2. Bobby W. Ferguson may purge himself of contempt by completing all of the following:

- i. Contacting Plaintiffs' counsel, David M. Eisenberg, by telephone (248/827-4100)(within seven (7) business days from the date of Plaintiffs' service of this Order by first class mail as set forth in paragraph 4 below) to arrange for a judgment debtor examination to be conducted at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C., 400 Galleria Officentre, Suite 444, Southfield, Michigan 48034;
- ii. Appearing at said examination, and producing all books and records as set forth in the Order for Examination of Judgment Debtor; and
- iii. Paying costs in the amount to be determined by the court upon subsequent application to the court by Plaintiffs.

3. In the event Bobby W. Ferguson fails to purge himself of contempt by complying with each of the provisions of paragraphs 2(i)-(iii) above, and upon the filing by Plaintiffs of an affidavit of such non-compliance, this court may, without further application to, or hearing before, this court, issue its bench warrant for the immediate arrest of Bobby W. Ferguson requiring bond in an amount to be set by the court, and requiring his immediate appearance before this court, or, alternatively, the court may schedule an additional status conference hearing to address Bobby W. Ferguson's non-compliance with the provisions of this order.

4. A copy of this Order shall be served upon Bobby W. Ferguson by mailing the same, via first class mail and by certified mail, return receipt requested, to his last known address of 18944 Bretton, Detroit, Michigan 48223 and service by the foregoing means shall be complete upon mailing.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: January 24, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on Thursday, January 24, 2013, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager