

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARVAL KRISHNA,

Plaintiff,

Case No. 14-12682

v.

Paul D. Borman
United States District Judge

HINDUSTAN MOTORS LIMITED,

R. Steven Whalen
United States Magistrate Judge

Defendant.

_____/

ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S FEBRUARY 25, 2016 REPORT AND RECOMMENDATION (ECF NO. 13); (2) GRANTING IN PART AND DENYING IN PART PLAINTIFF KRISHNA'S MOTION FOR SPOILIATION SANCTIONS AND TO COMPEL ATTENDANCE AT DEBTOR EXAMINATION (ECF NO. 11); and (3) ORDERING ROBERT LEWIS, A DIRECTOR OF HINDUSTAN MOTORS LIMITED, TO APPEAR FOR A JUDGMENT DEBTOR'S EXAMINATION UNDER OATH OR FACE A FINDING OF CIVIL CONTEMPT

On February 25, 2016, the Magistrate Judge entered a Report and Recommendation (ECF No. 13) to Grant in Part and Deny in Part Plaintiff's Motion for Spoliation Sanctions and to Compel Attendance at Debtor Examination (ECF No. 11). Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ADOPTS the Report and Recommendation, GRANTS IN PART AND

DENIES IN PART Plaintiff's Motion for Spoliation Sanctions and to Compel Attendance at Debtor Examination.

The request for spoliation sanctions is DENIED WITHOUT PREJUDICE.
IT IS SO ORDERED.

The request for Robert Lewis to appear for a judgment debtor's examination is GRANTED. Robert Lewis is ORDERED to appear at the law offices of At Law Group, PLLC, on a date and time of the Plaintiff's choice, to give sworn testimony concerning the income, property, or other means of satisfying this Court's October 7, 2014 Judgment against Hindustan Motors Limited.

IT IS FURTHER ORDERED that, because Robert Lewis refused to comply with this Court's January 26, 2015 Order compelling his attendance at a debtor's examination, a failure to appear as Ordered herein will result in a finding of civil contempt against Robert Lewis.

Pursuant to 28 U.S.C. § 1826, failure to comply with a court order can summarily result in confinement until the witness is willing to give such testimony.
IT IS SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 28, 2016

CERTIFICATE 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 March 28, 2016.

s/Deborah Tofil

Case Manager