

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BMO Harris Bank, N.A., a national  
banking association,

Case No. 18-11954

Plaintiff,

Judith E. Levy

v.

United States District Judge

Mona K. Majzoub

Harry Zoccoli et al,

Magistrate Judge

Defendants.

\_\_\_\_\_ /

**CORRECTED<sup>1</sup> ORDER GRANTING IN PART PLAINTIFF'S  
MOTION FOR CONTEMPT [62] AND FINDING THAT  
PLAINTIFF'S ACCOUNTING OF EXPENSES IS REASONABLE  
[61]**

On April 15, 2021, the Court held, through audio-visual technology, a hearing on Plaintiff BMO Harris Bank N.A.'s motion for an order finding Defendant Harry Zoccoli, III in contempt of court and ordering a list of sanctions including fines and incarceration. (ECF No. 62.) Despite notice on the docket and personal service effectuated two weeks prior to the hearing, Defendant did not attend.

<sup>1</sup> Amended to correct a typographical error.

For the reasons set forth on the record, the Court GRANTS IN PART Plaintiff's motion to hold Defendant in contempt. The Court holds Defendant in contempt pursuant to Federal Rule of Civil Procedure 37(b)(2)(vii) and (d)(3). Consequently, the Court ORDERS the United States Marshall to serve upon Defendant the subpoena that Plaintiff will submit shortly and that the Court shall approve.

Also for the reasons set forth on the record, the Court finds that Plaintiff's April 2020 affidavit represents a reasonable accounting of expenses incurred in pursuing its claim. Accordingly, pursuant to the Court's prior Order finding payment of such expenses to be an appropriate sanction under Fed. R. Civ. P. 37(a)(5)(A), the Court ORDERS Defendant to reimburse Plaintiff in the amount of \$1,237.50.

IT IS SO ORDERED.

Dated: April 30, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 30, 2021.

s/William J. Barkholz  
WILLIAM J. BARKHOLZ  
Case Manager