

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RONALDO DESIGNER JEWELRY, INC.

PLAINTIFF

v.

CIVIL ACTION NO. 5:14-cv-73-DCB-MTP

PHILLIP PRINZO

DEFENDANT

ORDER

This cause is before the Court on the plaintiff Ronaldo Designer Jewelry, Inc.'s Motion for Additional Sanctions Against Defendant (**docket entry 110**). The Court has already found the defendant, Phillip Prinzo, to be in civil contempt until he purges himself of contempt by producing the records identified in Exhibit A to the Amended Notice to Take Deposition (docket entry 46-1). See Judgment and Order of September 11, 2017 (docket entry 109).

In its present motion, the plaintiff contends that monetary sanctions and all other sanctions are insufficient, since Prinzo has failed to produce the requested records. Ronaldo seeks "more stringent sanctions, up to and including incarceration until [Prinzo] purges himself of contempt."

On April 23, 2018, the Court ordered the parties to contact the Court, within 10 days from said date, to set a hearing date for Ronaldo's motion. See docket entry 113. Prinzo, who is proceeding pro se, wrote a letter to the Court (docket entry 114) advising that he has recently suffered a series of health

problems and is unable to appear in person at the hearing. The Court then ordered Prinzo to produce Medical Reports from one or more physicians whom are providing care for him, to assist the Court in determining the health status of the defendant. (The Medical Reports are filed as a restricted document (docket entry 116)). On July 12, 2018, Ronaldo filed its Response to the Medical Records (docket entry 118)(also restricted).

Ronaldo states that it "has no desire to imprison a sick man. [Prinzo]'s conduct, however, leaves this Court no other viable option." (docket entry 118). According to Ronaldo, "[t]he medical records produced by [Prinzo] show no impairment or condition that would prevent Defendant from producing the ordered documents, paying the previously ordered monetary sanctions, or being confined pending production of the ordered documents and payment of the monetary sanctions."

The Court agrees with Ronaldo's assessment, with the exception of confinement of Prinzo. The Court finds that incarceration would not likely produce the desired result, and could even worsen the defendant's health condition. Ronaldo is, however, free to pursue post-judgment discovery requests and/or additional non-penal sanctions.

Accordingly,

IT IS HEREBY ORDERED that the plaintiff Ronaldo Designer Jewelry, Inc.'s Motion for Additional Sanctions Against Defendant

(docket entry 110) is GRANTED IN PART and DENIED IN PART, as set forth hereinabove.

SO ORDERED, this the 8th day of August, 2018.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE