

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BROADCAST MUSIC, INC., et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 TERKEV, INC., d/b/a/ BIG JOHNSON’S)
 DOC HAUS, and TERESA KETTENBRINK,)
)
 Defendants.)

Case No. 4:08CV01385 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs’ Motion to Compel Responses to Discovery [doc. #17].

On January 23, 2009, this Court entered Judgment [doc. #16] in favor of Plaintiffs and against Defendants, in the amount of \$20,000.00, plus interest and \$2,925.94 in attorney’s fees. Since the Judgment was entered, Plaintiffs have served discovery on Defendants for the purpose of aiding Plaintiffs in the execution of the Judgment. Defendants have failed to respond to these discovery requests and have also failed to pay any of the Judgment entered against them. Due to Defendants’ refusal to respond, Plaintiffs filed the pending Motion to Compel, requesting that the Court order Defendants to respond to their discovery. Plaintiffs also requested costs and attorney’s fees. Defendants failed to file a response to Plaintiffs’ Motion and on May 20, 2009, this Court issued an Order [doc. #18], ordering Defendants to show cause, no later than June 5, 2009, why Plaintiffs’ Motion to Compel should not be granted. The Court also noted that failure

to respond to its Order may result in the issuance of a Contempt Order against Defendants.
Defendants failed to file a response.

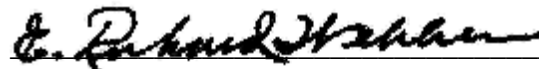
This Court will hold a hearing on July 23, 2009, at 8:30 a.m., regarding Plaintiffs' Motion to Compel Responses to Discovery and their request for attorney's fees. Defendants are ordered to be present at this hearing. Should Defendants fail to appear at the hearing, they will be found to be in Civil Contempt of Court. If Defendants file an appropriate response to Plaintiffs' requests for discovery prior to the hearing, the Court will vacate the hearing. The Court notes that Defendants have the right to retain counsel to assist them in this matter and encourages them to do so promptly, reminding them of their obligation to either properly respond to Plaintiffs' requests for discovery by or appear at the hearing on July 23, 2009.

Accordingly,

IT IS HEREBY ORDERED that counsel for Plaintiffs and Defendants shall appear at a hearing on **July 23, 2009**, at **8:30 a.m.** in Courtroom 12S. Should Defendants fail to appear at this hearing, the Court will find them in Civil Contempt of Court.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order by regular and certified mail, return receipt requested, to Terkev, Inc., Attention: Teresa Kettenbrink, 514 West Front Street, Washington, Missouri 63090-1809.

Dated this 24th Day of June, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE