

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CHRIS OLSON, et al., )  
                          )  
Plaintiffs,            )  
                          )  
v.                      )                          No. 4:12-CV-1629 CAS  
                          )  
DESSERTS ON THE BOULEVARD, LLC,    )  
et al.,                )  
                          )  
Defendants.            )

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiffs' motion to compel discovery in aid of execution, which seeks to compel responses to post-judgment discovery plaintiffs directed to pro se defendants Catina D. Watson-Miller and Deverick A. Miller. Plaintiffs' motion is unopposed and the time to do so has passed. For the following reasons, the Court will grant the motion.

**Background**

Plaintiffs Chris Olson, Corey Bishop, Joshua Harvey and Matthew Shucart filed suit to recover unpaid wages and penalties under the Fair Labor Standards Act and the Missouri Wage and Hour Law. On the morning of trial, the parties announced they had reached a settlement and presented the Court with a proposed stipulated consent judgment. On November 18, 2013, the Court entered the Consent Judgment which in pertinent part provided as follows:

Defendants consent to judgment being entered in favor of Plaintiff Chris Olson and against Defendants, jointly and severally, in the amount of \$4,000.00 (Four Thousand Dollars and No Cents).

Defendants further consent to judgment being entered in favor of Plaintiff Corey Bishop and against Defendants, jointly and severally, in the amount of \$4,000.00 (Four Thousand Dollars and No Cents).

Defendants consent to judgment being entered in favor of Plaintiff Joshua Harvey and against Defendants, jointly and severally, in the amount of \$1,000.00 (One Thousand Dollars and No Cents).

Defendants consent to judgment being entered in favor of Plaintiff Matthew Shucart and against Defendants, jointly and severally, in the amount of \$6,000.00 (Six Thousand Dollars and No Cents).

The parties agree and stipulate that this Consent Judgment will be satisfied in four (4) installment payments. The installment payment schedule is as follows:

1. The first installment payment of \$5,000.00 (Five Thousand Dollars & No Cents) shall be paid on or before January 1, 2014.

2. The second installment payment of \$2,500.00 (Two Thousand Five Hundred Dollars & No Cents) shall be paid on or before February 1, 2014.

3. The third installment payment of \$4,000.00 (Four Thousand Dollars and No Cents) shall be paid on or before March 1, 2014.

4. The fourth installment payment of \$3,500.00 (Three Thousand Five Hundred Dollars and No Cents) shall be paid on or before April 1, 2014.

Consent Judgment at 1-2 (Doc. 99). The Judgment remains unsatisfied.

### **Motion to Compel**

Plaintiffs' motion to compel states that plaintiffs propounded Requests for Production of Documents and Interrogatories to Catina D. Watson-Miller and Deverick A. Miller on August 1, 2014, in aid of execution of the judgment. Plaintiffs state that the defendants have refused to answer the discovery but have not objected to it. Plaintiffs' motion to compel also states that pursuant to the Federal Rule of Civil Procedure 37(a)(1) and this Court's Local Rule 3.04(A), plaintiffs' counsel has made reasonable efforts to confer in good faith with the defendants regarding the unanswered discovery, but has been unsuccessful in those attempts.

Rule 69(a)(1) of the Federal Rules provides that "a money judgment is enforced by a writ of execution, unless the court directs otherwise." Rule 69(a)(1), Fed. R. Civ. P. Rule 69 further

provides that the procedure on execution, and in proceedings in aid of execution, “must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” Id. Rule 69(a)(2) provides that in aid of a judgment or execution, a judgment creditor “may obtain discovery from any person—including the judgment debtor—as provided in [the Federal Rules of Civil Procedure] or by the procedure of the state where the court is located.” Rule 69(a)(2), Fed. R. Civ. P.

Plaintiffs have propounded Requests for Production of Documents and Interrogatories in aid of execution of their judgment. This procedure is appropriate pursuant to Rules 69(a), 33 and 34 of the Federal Rules. It appears to the Court from the motion to compel that defendants were properly served with plaintiffs’ post-judgment discovery requests but have failed to answer them. Plaintiffs’ motion to compel discovery should therefore be granted, and defendants Watson-Miller and Miller will be ordered to answer plaintiffs’ discovery requests.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs’ motion to compel discovery in aid of execution is **GRANTED**. [Doc. 138]

**IT IS FURTHER ORDERED** that defendants Catina D. Watson-Miller and Deverick A. Miller shall answer plaintiffs’ Interrogatories and provide documents in response to the Requests for Production of Documents, without objection, and send their Answers and documents to plaintiffs’ counsel by **April 10, 2015**.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall mail a copy of this order to defendants Catina D. Watson-Miller and Deverick A. Miller, both by first-class mail and by certified mail, return receipt requested, at 5733 Clemens Place, St. Louis, Missouri 63112.



CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of March, 2015.