## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHWESTERN DIVISION

JOHN DOWDY, JR., et al.,	)
Plaintiffs,	) 6:12-cv-03121-DGF
v.	)
VERACITY FINANCIAL GROUP, LLC.,	)
Defendant.	)

## ORDER GRANTING MOTION TO COMPEL POST-JUDGMENT DISCOVERY

This case arises out of Plaintiffs' allegations that Defendant Veracity Financial Group, LLC violated the Fair Debt Collection Practices Act. On September 24, 2012, the Court granted a default judgment in favor of Plaintiffs (Doc. 17). Pending before the Court is Plaintiffs' "Motion to Compel Responses to Post-Judgment Discovery" (Doc. 18). Defendant failed to respond. For the reasons discussed herein, Plaintiffs' motion is GRANTED.

Federal Rule of Civil Procedure 69(a)(1) provides that a "money judgment is enforced by a writ of execution, unless the court directs otherwise," and 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." *Id.* Missouri Rule of Civil Procedure 76.28 allows post-judgment discovery of "matters ... relevant to the discovery of assets or income subject to

... the satisfaction of judgments." Credit Lyonnais, S.A. v. SGC Intern Inc., 160 F.3d 428,

430 (1998) (citing Mo. R. Civ. P. 76.28).

Here, Plaintiffs seek to serve Defendant with post-judgment interrogatories and

requests for production of documents in aid of the execution of their judgment. See Doc.

20. This procedure is appropriate pursuant to Federal Rule of Civil Procedure 69 and

Missouri Rule of Civil Procedure 76.28. See Credit Lyonnais, 160 F.3d at 430

(discussing how parties have a right to conduct reasonable post-judgment discovery and

to inquire into the assets of a judgment debtor).

**Conclusion** 

Plaintiffs' motion is GRANTED. Defendant is ordered to comply with discovery

by answering Plaintiffs' interrogatories and producing the records requested in Plaintiffs'

"Request for Production of Documents" by May 6, 2013.

IT IS SO ORDERED.

Dated: April 16, 2013

/s/ Greg Kays GREG KAYS

UNITED STATES DISTRICT JUDGE