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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE RICHARD AND SHEILA J. McKNIGHT)
2000 FAMILY TRUST, Richard McKnight)
Trustee,)

Plaintiff,)

vs.)

WILLIAM J. BARKETT, an individual;)
CASTAIC PARTNERS II, LLC,)

Defendants.)

THOMAS J. KAPP AND CYNTHIA S. ROHER,)
TRUSTEES OF THE T. & C. KAPP FAMILY)
TRUST,)

Intervenor Plaintiff,)

vs.)

WILLIAM J. BARKETT, an individual;)
CASTAIC PARTNERS II, LLC,)

Intervenor Defendants.)

Case No. 2:10-cv-01617-RCJ-GWF

ORDER

Motion to Compel Post-Judgment
Discovery and for Sanctions (#220)

This matter comes before the Court on Plaintiff’s Motion to Compel and for Sanctions (#220), filed on February 28, 2013. Defendant William Barkett (“Barkett”) filed an Opposition (#226) on March 15, 2013. Plaintiff filed a Reply (#230) on March 20, 2013. The Court conducted a hearing on the Motion (#220) on April 2, 2013.

The District Judge entered a judgment against Barkett on July 9, 2012. *See Order, Doc. #194.* Plaintiff propounded a Request for Production of Documents on December 12, 2012 to discover assets available to satisfy the judgment, which Barkett did not answer. For the reasons stated on the record at the April 2, 2013 hearing, the Court will compel Barkett to respond to the

1 Request for Production. The Court further finds that Barkett's failure to respond to the Request was
2 not justified. The Court will therefore award Plaintiff its reasonable expenses incurred in bringing
3 the instant Motion (#220). Accordingly,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel Post-Judgment Discovery
5 and for Sanctions (#220) is **granted**.

6 **IT IS FURTHER ORDERED** that Defendant William Barkett shall respond to Plaintiff's
7 Request for Production of Documents no later than April 16, 2013.

8 **IT IS FURTHER ORDERED** that Plaintiff is awarded its reasonable expenses incurred in
9 bringing its Motion to Compel (#220).

- 10 (a) Counsel for Plaintiff shall, no later than 14 days from the date of this Order, serve
11 and file a memorandum, supported by the affidavit of counsel, establishing the
12 amount of costs incurred in bringing the Motion (#220). Counsel's affidavit shall
13 authenticate the information contained in the memorandum, provide a statement that
14 the bill has been reviewed and edited, and a statement that the costs charged are
15 reasonable.
- 16 (b) Defendant Barkett shall have 10 days from service of the memorandum of costs in
17 which to file a responsive memorandum addressing the reasonableness of the costs
18 sought, and any equitable consideration appropriate for the Court to consider in
19 determining the amount of costs which should be awarded.
- 20 (c) Plaintiff shall have 5 days from the service of the responsive memorandum in which
21 to file a reply.

22 DATED this 3rd day of April, 2013.

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25 GEORGE FOLEY, JR.
26 United States Magistrate Judge
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