

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK

EUGENE SCALIA¹, Secretary of Labor, :
United States Department of Labor, :

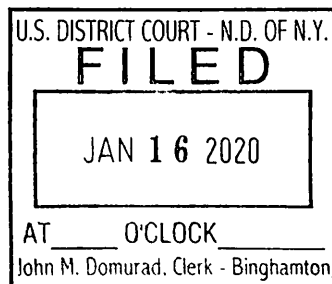
: 3:19-MC-25
(TJM/TWD)

Petitioner, :

v. :

JOHN HITCHINGS, individually and as Trustee
of John Hitchings 401k Profit Sharing Plan & Trust :

Respondent. :



PROPOSED ORDER

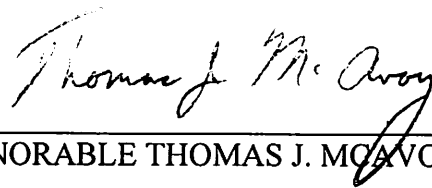
Upon consideration of the Secretary of Labor’s Motion for Adjudication of Civil Contempt and Coercive Fine, and the parties’ submissions in support and opposition thereto, and for good cause shown, it is hereby ORDERED that the Secretary’s Motion is GRANTED.

It is ORDERED that Respondent John Hitchings is in civil contempt for failing to comply with the Court’s September 20, 2019 Order. Dkt. Entry 3.

¹Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Secretary of Labor Eugene Scalia is automatically substituted as plaintiff.

It is further ORDERED that for so long as Respondent remains out of compliance with the Court's September 20, 2019 Order, it must pay a per diem fine at the following increasing rates: \$250 per day from this date forward; beginning fifteen days after the date of this Order, \$500 per day; and beginning thirty-one days after the date of this Order, \$1,000 per day, to continue indefinitely.

SO ORDERED:



THE HONORABLE THOMAS J. MCAVOY

DATED:

Jan. 16, 2020