

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RACHEL WEINGEIST, individually and on behalf of all
other persons similarly situated who were employed by
TROPIX MEDIA & ENTERTAINMENT and TROPIX
HOLDINGS LLC and TROPIX INC.,
Plaintiff,

ORDER
20-cv-275 (ER)

- against -

TROPIX MEDIA & ENTERTAINMENT,
TROPIX HOLDINGS LLC, TROPIX, INC.
and MARIO BAEZA,
Defendants.

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Pursuant to this Court's Order, dated March 8, 2024, Defendant Mario Baeza ("Mr. Baeza") was directed to appear on March 21, 2024 at 11:30 AM to show cause why an order of contempt should not be entered against him (Dkt. Doc. No. 199);

On March 21, 2024, the Court held a Show Cause Hearing. Plaintiff was present with her counsel. Neither Defendant Mario Baeza nor counsel for Mr. Baeza appeared. The Court held Mr. Baeza in contempt and granted Plaintiff's application for attorney fees in connection with the application for an order of contempt. Plaintiff was directed to submit a proposed order of contempt. Minute Entry (March 21, 2024);

Pursuant to Federal Rules of Civil Procedure Rule 16(f)(1)(C), Rule 37(b)(2)(A)(vii) and 18 USCA § 401(3), Mr. Baeza is in contempt of the Court's Order, dated September 15, 2023, ordering Mr. Baeza to serve responses to Plaintiff's post-judgment discovery and ordering that pursuant to Rule 37(4), an evasive or incomplete disclosure, answer, or response to Plaintiff's post-judgment discovery demands shall be treated by this Court as a failure to disclose, answer, or respond. Mr. Baeza was further ordered to pay Plaintiff her fees and costs incurred in filing her motion to compel in the sum of \$6,525.00 in fees and \$12.48 in costs for a total sum in fees and costs of \$6,537.48 (Dkt. Doc. No. 169);

Pursuant to Rule 16(f)(1), Rule 37(d)(1)(3) and 18 USCA § 401(3), Mr. Baeza shall be sanctioned \$500.00 per week and shall pay the weekly \$500.00 sanction to the Clerk of Court beginning on April 1, 2024 and continuing weekly;

Pursuant to Rule 16(f)(2) and Rule 37(a)(5)(A), in connection with Plaintiff's application for an order of contempt, Mr. Baeza is ordered to pay Plaintiff her attorney fees and costs incurred in the sum of \$23,850.00 in fees and \$53.30 in costs for a total sum in fees and costs of \$23,903.30 on or before April 8, 2024; and

The Court advises Mr. Baeza that should he not comply with this order, he may be subject to additional sanctions including imprisonment. *See* 18 USCA § 401(3).

It is **SO ORDERED**.

Dated: March 26, 2024

New York, New York



EDGARDO RAMOS, U.S.D.J.