

**THE UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF OHIO
EASTERN DIVISION**

David M. Clapper,)	CASE NO.: 5:09CV569
)	
Plaintiff,)	JUDGE JOHN ADAMS
)	
v.)	<u>ORDER</u>
)	
Clark Development, Inc., et al.,)	
)	
)	
Defendants.)	

Pending before the Court is a motion filed on behalf of Attorney Brent English that requests that this Court reconsider and vacate its order that found him in contempt. Doc. 599. The motion is DENIED.

On November 17, 2015, this Court found English in contempt. Doc. 539. Within that order, the Court noted:

Based upon the above, the Court finds that an appropriate penalty for English’s contempt is a monetary sanction to make Huntington Bank whole again, coupled with a fine to act as a deterrent for future misconduct by English. As such, English shall pay the attorney fees and any costs accrued by Huntington Bank for the hearings on October 21, 2015 and October 29, 2015. In addition, English shall pay a fine of \$500. Despite English’s repeated failure to appear, the Court will decline to impose any jail term.

Doc. 539 at 12-13. English now seeks to vacate the Court’s decision based upon the fact that Huntington Bank no longer wishes to pursue its attorney fees and costs.

Upon review, the Court finds no basis to vacate its finding of contempt. English has offered no argument or legal basis for the Court to reconsider its finding of contempt. Instead, English has solely noted that Huntington no longer desires to recoup its fees and costs. Given Huntington's current stance, the Court will decline to impose the costs and fees incurred by Huntington related to English's contempt. However, there is no other legal or factual argument presented that would serve as a basis for this Court to reconsider the Court's underlying contempt finding.

Accordingly, English will solely be subject to the \$500 fine imposed by the Court. Having finalized the sanction for English's contempt, the Court intends for this order to serve as a final, appealable order.

IT IS SO ORDERED.

September 13, 2017

/s/ Judge John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT