

**IN THE UNITED STATES FEDERAL DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**IRON WORKERS DISTRICT COUNCIL  
OF SOUTHERN OHIO & VICINITY  
BENEFIT TRUST, et al.,**

Plaintiffs,

v.

**WORTMAN BROS. LLC, et al.,**

Defendants.

CASE NO. 3:14-CV-148

JUDGE WALTER H. RICE

MAGISTRATE JUDGE MICHAEL R. MERZ

**ORDER**

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Pursuant to Fed. R. Civ. P. 69, this Court grants Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit, Pension, and Annuity Trusts' ("Plaintiffs") Motion for the Debtors Examination and hereby orders that Zachary B. Baxter ("Deponents"), defendant and judgment debtor in this Case, to appear before Magistrate Judge Michael R. Merz on October 29, 2014, at 1:30 P.M. in Courtroom No. 4 and answer upon oath or affirmation questions concerning his property and assets at a Judgment Debtor Examination, as well as the assets of the other related defendants in this Case, to the extent of their knowledge. Deponent is required to bring all of the following books, records, papers, documents, and objects to the Judgment Debtor Examination for the purpose of inspection and copying by Plaintiffs, through their representative:

1. Complete, current, and accurate lists, schedules, and records of Defendants', or any one of their outstanding notes receivable, accounts receivable, and all other receivables, which records indicate, among other things, the amounts owing thereon and from whom such amounts are owing;

2. Complete, current, and accurate lists, schedules, and records of Defendants', or any one of their equipment, motor vehicles, furniture, inventory, furnishings, supplies, and other tangible assets of every kind and description, whether real or personal, current depreciation schedules, if any, relating thereto, and complete, current, and accurate lists of liens or other encumbrances thereon;
3. Complete, current, and accurate lists, schedules, and records of all of Defendants', or any one of their stocks, bonds, shares, or interest in all liquid assets or other similar funds, shares or interests in all mutual funds, proprietorship interests, general or limited partnership interests, and all other intangible assets and the corresponding values assigned thereto;
4. Complete, current, and accurate copies of profit and loss statements, income statements, capital statements, balance sheets, and other such similar documents, regardless of how the same may be designated for accounting purposes, relating to every sole proprietorship, and every business concern or venture in which Defendants, or any one of them, are or have been with the past three (3) years a general or limited partner or a holder of five percent (5%) or more of the outstanding stock of said concern;
5. Complete and accurate copies of Defendants', and any one of their federal and state(s) income and state(s) personal property tax return, which Defendants, or any one of them, have or should have filed with the appropriate government authorities for their four (4) most recent taxable years;
6. Complete, current, and accurate lists, schedules, and records indicating Defendants' or any one of their place or places of banking, the types of bank accounts (savings,

checking or similar bank accounts) and the account numbers and designations of authority relating thereto, as well as any bank statements or other related documents for each bank account. As used herein, the term “bank accounts” shall also include all certificates of deposit, savings bonds, and similar instruments, as well as safe deposit boxes and lists, schedules, and records of the contents thereof;

7. Complete, current, and accurate lists, schedules, and records indicating any and all leases of or deeds to real estate with respect to which Defendants or any one of them are a lessor, lessee, or owner, whether in whole or in part;
8. Complete, current, and accurate lists, schedules, and records indicating any and all bids and contractors for construction work (be it as a general, prime, or subcontractor) prepared by the Defendants, or any one of them, during the last two (2) calendar years; and
9. Complete, current, and accurate copies of any consulting, independent contracting, advising, or any other such contract or agreement that Defendants, or any one of them have entered into with another party to provide services to another person, entity, corporation, or business of any kind over the last two (2) calendar years.

September 10, 2014.

*s/ Michael R. Merz*

United States Magistrate Judge