

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 11-7316
	:	
BAKER FUNERAL HOME, LTD.	:	
and VINCE BAKER,	:	
Defendants.	:	

FILED

NOV 14 2012

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

MEMORANDUM ORDER

Before the court are two motions by the government: a Motion for Contempt and a Motion to Modify Injunction Order.

As to the first motion, it is clear from both the Stipulation of Undisputed Facts Relating to Baker Funeral Home, Ltd. and the testimony at the hearing held on October 15, 2012 that Baker Funeral Home, Ltd. and Vince Baker violated the permanent injunction order of April 12, 2012, which was entered into with their consent. See Document 24 (Stipulation Nos. 3, 4, 5, 6) and N.T. at 39-40 (argument of government unrebutted by Baker Funeral Home, Ltd. and Vince Baker).

Thus, it is clear that Baker Funeral Home, Ltd. and Vince Baker are in contempt of the order of April 12, 2012. Baker PC, however, who was not a party to that contempt order, is not.

The government is seeking to modify that order to make it apply to Baker PC. The evidence is clear and convincing that Baker PC is a successor to Baker Ltd. (See Stipulation of Undisputed Facts Relating to Baker Funeral Home, P.C., plus testimony of Marcia Baker).

The Motion to Modify will be granted, but the effective date of that amendment will be the date of the order in this case.

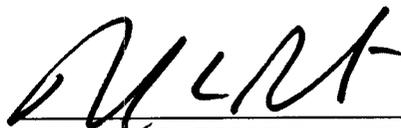
As regards sanctions for the finding of contempt, the government is seeking counsel fees in the amount of \$9,385.79. Defense states that the misconduct is insignificant. The ignoring of a clear and concise order in this case cannot be simply brushed aside. The Bakers who testified in court struck me as wanting to get their business in order and were making honest steps to do so. Thus, although a sanction is in order, it will for this first violation be relatively modest.

Accordingly, it is hereby **ORDERED** this 14th day of November, 2012, that the Motion for Contempt (Docket No. 16) is **GRANTED**, and Baker Ltd. and Vince Baker are directed to pay the sum of \$2,000.00 to Plaintiff within thirty (30) days of this order.

It is further **ORDERED** that the Motion to Modify (Docket No. 21) is **GRANTED**, and the order and injunction of April 12, 2012 is **AMENDED** and will be filed as a separate Amended Permanent Injunction.

This case is **CLOSED**.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. Buckwalter', written over a horizontal line.

RONALD L. BUCKWALTER, S.J.