UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DONNA DEITRICK Plaintiff	))	Civil No.: 4:06-CV-1556
	)	(BRANN, D.J.)
v.	)	(ARBUCKLE, M.J.)
	)	
MARK A. COSTA, *et al.*, Defendants	))	

ORDER

Defendant T. Yoncuski's Motion for Sanctions (Doc. 453).

In accordance with the Memorandum filed today the following is ordered.

1. Proposed Sanction 10(a) in Defendant T. Yoncuski's Motion (Doc. 453) is DENIED.

2. Proposed Sanction 10(b) in Defendant T. Yoncuski's Motion (Doc. 453) shall be GRANTED as follows:

   Plaintiff shall be precluded from testifying or presenting evidence during her case in chief regarding any item of damages which is related to the documentation and records which she failed to produce.

3. Proposed Sanction 10(c) in Defendant T. Yoncuski's Motion (Doc. 453) shall be GRANTED as follows:

   Plaintiff shall be precluded from testifying or presenting evidence during her case in chief regarding the value of items based upon alleged receipts, appraisals, or any other documents which have been requested in discovery and not produced by Plaintiff. Defendants should be prepared with a complete list of those requests and where they appear in the record to efficiently raise any objection during the trial. I suggest that the parties work on a stipulated list to avoid unnecessary delay at trial.

4. Proposed Sanction 10(d) in Defendant T. Yoncuski's Motion (Doc. 453) is DENIED as premature, and without prejudice. Defendant T. Yoncuski may include such instruction in his proposed jury instruction at the appropriate time.

5. Proposed Sanction 10(e) in Defendant T. Yoncuski's Motion (Doc. 453) is DENIED as premature, and without prejudice. Defendant T. Yoncuski may include such instruction in his proposed jury instruction at the appropriate time. However, I note that the parties have not briefed or argued the appropriateness of a jury instruction on tax fraud being used in this case. The application of Fed. R. Evid. 404 & 405 is beyond the scope of this motion.

6. Proposed Sanction 10(f) is DENIED at this time. Defendant T. Yoncuski may renew his request for financial sanctions regarding this discovery motion (Doc. 453) after the trial. Fed. R. Civ. P. 37(a)(5) will apply.

Date: February 5, 2019

BY THE COURT

s/William I. Arbuckle
William I. Arbuckle
U.S. Magistrate Judge