

UNITED STATES DISTRICT COURT
IN THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John Brewer, on behalf of himself and all others similarly situated,)	CA No. 3:13-CV-286-JFA
)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dynamic Recovery Services, Inc.)	
)	
Defendant.)	
_____)	

This matter comes before the Court regarding the recent Orders issued by this Court finding JD Shade, President of Dynamic Recovery Services, Inc., in contempt of court and ordering the U.S. Marshal to take custody of Mr. Shade. (ECF Nos. 90 and 93). Texas counsel for Defendant has requested via letter that the Court reconsider its Orders or stay its Orders to allow Mr. Shade to voluntarily appear before the Court. (ECF No. 97).

By way of background, on June 20, 2014, the Court directed that default judgment be entered against the Defendant, including judgment for actual and statutory damages, as well as attorney’s fees and post judgment interest. (ECF No. 69). Plaintiff then requested that the Court direct Mr. Shade, as corporate representative of Defendant, to appear and submit to questioning regarding the assets of the Defendant company and its ability to pay the judgment. (ECF No. 77). On November 24, 2014, a hearing was held for that purpose; however, Mr. Shade did not appear as instructed. Consequently, after motion of the Plaintiff, the Court issued an Order holding Mr. Shade in contempt and instructing the U.S. Marshal to take custody of Mr. Shade. (ECF No. 90). Several days later the Court entered an Amended Order. (ECF No. 93). Thereafter, on January 28, 2015, the Court

received a letter from Jennifer Spencer, Defendant's Texas counsel. (ECF No. 97).

Based on Ms. Spencer's letter, it appears Mr. Shade is willing to voluntarily appear before this Court for questioning regarding the assets of the company. In an affidavit submitted with the letter, Mr. Shade affirms that he had no knowledge of this Court's prior Order requesting his appearance, and that any noncompliance on his part was not deliberate or intentional. In light of the letter and Mr. Shade's sworn statement, the Court finds that any further action to detain Mr. Shade is unwarranted at this time, given his assurances to attend a newly scheduled hearing by the Court.

Therefore, the Court hereby stays its prior Orders holding Mr. Shade in contempt and vacates the warrant issued for Mr. Shade's arrest. The Court further reinstates its Order allowing for examination of the corporate judgment debtor's President, Mr. Shade. All parties, including Mr. Shade as corporate representative, are instructed to appear before the Court for a hearing. The hearing will be held in Courtroom IV of the Matthew J. Perry Jr. Federal Courthouse, 901 Richland Street, Columbia, South Carolina at 11:00 a.m. on Wednesday, February 18, 2015. Mr. Shade is instructed to bring with him all corporate records or other documentation needed to adequately testify to the financial condition of the Defendant company, as well as any documentation needed to substantiate any claim that the Defendant company is unable to satisfy the judgment in this case.

The Court hereby requests that the Clerk send a copy of this Order to Defendant's Texas counsel, Jennifer Spencer at Spencer Scott pllc, Two Lincoln Centre, 5420 LBJ Freeway, Suite 300, Dallas, Texas 75240-6271. The Marshal should be notified to discontinue its efforts to detain Mr. Shade.

IT IS SO ORDERED.

January 29, 2015
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge