

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

CHRISTINE SCHOFIELD,  
  
Plaintiff,  
  
v.

MAVERIK COUNTRY STORE, INC.,  
  
Defendant.

MEMORANDUM DECISION AND ORDER  
GRANTING IN PART MOTION FOR  
CONTEMPT SANCTIONS AND FOR  
ORDER COMPELLING COMPLIANCE  
WITH SUBPOENA

Case No. 1:12-cv-114 TS

District Judge Ted Stewart

Magistrate Judge Brooke Wells

---

Before the Court is Defendant Maverik, Inc.'s Motion for Contempt Sanctions and for an Order Compelling Compliance with Subpoena.<sup>1</sup> In short, Maverik has served a subpoena twice upon Antony J. Fisco, who is a witness to certain key events in this matter, but he has failed to appear for deposition or provide the requested documents. Mr. Fisco did not object to either subpoena and he has not sought to quash them either.

Accordingly, for good cause shown and based upon a failure to oppose the instant motion,<sup>2</sup> the Court GRANTS Defendant's motion as follows:

Mr. Fisco is HEREBY ORDERED to appear for his deposition, and bring the requested documents described in the attachments to the subpoenas on September 11, 2013, or at such other date as may be designated by Defendant's counsel in writing and served upon the parties and Mr. Fisco. The time for the deposition is set for 9:30 a.m. at Stoel Rives LLP 201 S. Main St. Suite 1100 Salt Lake City Utah 84111.

---

<sup>1</sup> Docket no. 18.

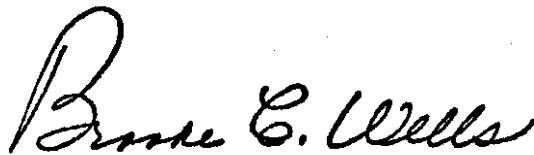
<sup>2</sup> Local Rule 7-1 provides that an opposition to a motion such as this should be filed within fourteen days after service. Additionally, a failure to respond timely to a motion is a basis for granting the motion.

IT IS FURTHER ORDERED that pursuant to Federal Rule 37, Mr. Fisco is HEREBY ORDERED to pay Maverik's reasonable expenses incurred in bringing this motion, including attorney fees. Maverik is directed to file an affidavit of expenses and fees incurred in bringing this motion within thirty (30) days from the date of this order. Mr. Fisco may then file any response within fourteen (14) days and if necessary, Maverick may then file a response within seven (7) days.

Finally, the Court warns Mr. Fisco that failing to comply with this order, or additional subpoenas served by Defendant in this case, may result in additional sanctions, including being held in contempt of court.

IT IS SO ORDERED.

DATED this 26 August 2013.

A handwritten signature in black ink that reads "Brooke C. Wells". The signature is written in a cursive style with a large initial "B".

Brooke C. Wells  
United States Magistrate Judge