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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RRW LEGACY MANAGEMENT
GROUP, INC., et al.,

11 Plaintiffs,

12 v.

13 CAMPBELL WALKER,

14 Defendant.
15

CASE NO. C14-326 MJP

ORDER RE: PLAINTIFF
CAMPBELL INVESTMENT
COMPANY'S SECOND MOTION
FOR CONTEMPT

16 On April 6, 2017, this Court entered an order finding Defendant Campbell Walker in
17 contempt of the Court's orders regarding post-judgment discovery and ordered him to pay to the
18 Clerk of Court \$1,000 per day from the date of the order until Mr. Walker complied with his
19 post-judgment discovery obligations. Dkt. No. 250.

20 Plaintiff Campbell Investment Company ("CIC") is back before the Court to (1) report
21 that the contempt sanctions have been ineffective in obtaining Defendant's cooperation in post-
22 judgment discovery and (2) request further sanctions, not only against Defendant but against his
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1 counsel of record. Dkt. No. 257. The Court, upon review of the motion, defense counsel's
2 response (Dkt. No. 259) and CIC's reply (Dkt. No. 261), rules as follows:

3 IT IS ORDERED that Plaintiff CIC's request for sanctions against Defendant's counsel is
4 DENIED.

5 IT IS FURTHER ORDERED that, as a sanction for Defendant's ongoing contempt of
6 this Court's orders to participate in post-judgment discovery, and in order to compel his future
7 compliance with his post-judgment obligations, Campbell Walker be arrested and that upon his
8 arrest he be incarcerated for such period of time as is necessary to secure both his appearance at a
9 deposition to be conducted by Plaintiffs and his compliance with Plaintiff's Requests for
10 Production of Documents.

11 IT IS FURTHER ORDERED that the sanctions previously assessed against Defendant
12 for his contempt remain in place (i.e., that he continue to accumulate a fine of \$1,000 per day
13 until his compliance with his post-judgment obligations is obtained).

14 IT IS FURTHER ORDERED that Defendant's counsel of record confirm delivery and
15 receipt of this order by Defendant within 30 days of its entry.

16 **Discussion**

17 Appropriate sanctions for Defendant's contempt

18 Courts possess the "inherent power to enforce compliance with their lawful orders
19 through civil contempt." Shillitani v. United States, 384 U.S. 364, 370 (1966). Fed.R.Civ.P.
20 37(b)(2) authorizes sanctions of varying degrees of severity. Arrest is appropriate as a civil
21 contempt sanction if its purpose is not punitive but rather to compel the contemnor to perform
22 the acts ordered by the court. Hicks v. Feiock, 485 U.S. 624, 631-34 (1988); *see also* Scioto
23 Constr'n, Inc. v. Morris, 2007 WL 1656222 at *3 (E.D.Tenn. June 7, 2007)(collecting cases

1 ordering a civil contemnor be arrested and held until compliance with post-judgment
2 interrogatories is obtained).

3 The Court finds that Defendant has been properly noticed regarding his post-judgment
4 obligations and the orders of this Court that he provide post-judgment discovery and make
5 himself available to post-judgment deposition. *See* Dkt. No. 260, Declaration of Duncan, ¶¶ 4, 6.
6 The Court further finds that Defendant has deliberately chosen to ignore his obligations and the
7 Court's orders. *Id.* at ¶ 5. It is the conclusion of the Court that (based on 3 months of non-
8 compliance in the face of mounting contempt fines) increasing the size of the monetary sanctions
9 for his contempt is unlikely to compel Defendant to comply. The other sanctions contained in
10 the (non-exhaustive) list referenced in Fed.R.Civ.P. 37(b)(2) – related to certain pretrial penalties
11 -- would be unhelpful since Plaintiffs have already obtained a judgment against Defendant. An
12 arrest order, while admittedly severe, is the only remaining effective avenue of securing
13 Defendant's compliance.

14 Request for contempt finding against Defendant's counsel

15 The Court declines to enter any finding of contempt against Defendant's counsel, and
16 takes this opportunity to clarify the limited role which was intended at the time that the Court
17 denied defense counsel's request to withdraw from representation. In the order denying that
18 request, the Court stated:

19 The fact is that defense counsel remain the only reliable conduit for communicating with
20 Defendant. The further fact is that his choice to retain HCMP as appellate counsel (but
21 not counsel for the post-judgment proceedings at this level) means that the Court has
22 some assurance that HCMP knows how to contact Defendant and has his attention. The
23 Court calls on defense counsel, as officers of the court, to assist in transmitting the
24 legitimate requests of the judgment creditors and orders of this Court by informing
Defendant of those requests and those orders.

1 Dkt. No. 250, Order on Motions to Withdraw and Compel at 4-5. In the Court’s order, defense
2 counsel’s role was further described: “Until [such time as Defendant complies with his post-
3 judgment obligations], counsel will be expected to communicate to Defendant the requests of the
4 judgment creditors and the orders of this Court.”

5 It was not then, nor is it now, the intention of the Court that, as regards the District Court
6 proceedings, Defendant’s counsel act as Defendant’s representative in any other capacity than as
7 a conduit for the pleadings of record and the orders of the Court in this case and to provide the
8 Court (whenever requested and whenever possible) with confirmation that Defendant has
9 received notice of those pleadings and orders.

10 **Conclusion**

11 The request for further sanctions against Defendant for his ongoing failure to comply
12 with the orders of this Court regarding his post-judgment obligations is GRANTED; an order for
13 the arrest of Defendant will issue and upon his apprehension he will remain incarcerated for such
14 period of time as is necessary to secure both his appearance at a deposition to be conducted by
15 Plaintiffs and his compliance with Plaintiff’s Requests for Production of Documents related to
16 the judgment against him.

17 The request for a finding of contempt as regards Defendant’s counsel is DENIED.

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19 The clerk is ordered to provide copies of this order to Defendant and to all counsel.

20 Dated August 17, 2017.

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23 Marsha J. Pechman
24 United States District Judge