

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL J. QUILLING, as Receiver
for Sardaukar Holdings, IBC and
Bradley C. Stark

Plaintiff,

VS.

3-D MARKETING, LLC

Defendant.

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NO. 3-06-CV-0293-L

ORDER

Michael J. Quilling, as Receiver for Sardaukar Holdings, IBC and related entities, has filed a motion for civil contempt against 3-D Marketing, LLC and its principal agent, Dean A. Steeves, for violating the final judgment entered in this case on March 8, 2007. A show cause hearing was scheduled for May 11, 2007 before U.S. Magistrate Judge Jeff Kaplan. The Receiver appeared in person and through his counsel of record. Also present was Stephen Schoettmer, counsel for 3-D Marketing. Although ordered to attend the hearing in person, Steeves failed to appear as required.¹

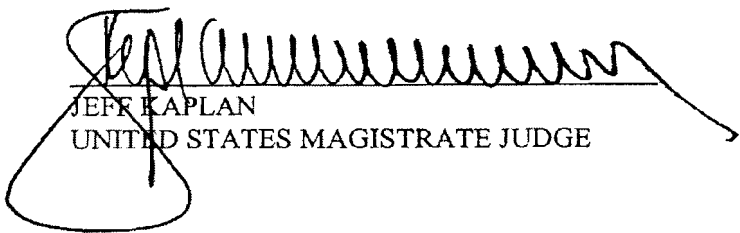
The Receiver has not briefed the issue of whether Steeves, who is not a party to this case, can be held in civil contempt and incarcerated as the principal agent of 3-D Marketing. As a result, Steeves has no notice of his potential liability in that regard. After discussing these concerns with the attorneys, the court determines that Steeves should be deposed before proceeding with a show cause hearing and that the Receiver should refile his motion after this deposition is taken.

¹ In a pleading filed on May 7, 2007, just four days before the show cause hearing, counsel for 3-D Marketing represented that Steeves could not travel to Dallas from California for the hearing due to a back injury. Although the pleading indicates that Steeves has signed statements from his healthcare providers stating that he cannot travel for 4-6 weeks, no such statements have been provided to the court.

Accordingly, the Receiver's motion for a show cause order [Doc. #43] is denied without prejudice. Upon proper motion, the court will issue an order requiring Dean A. Steeves to appear for a deposition on the date and at the place selected by the Receiver. At the conclusion of this deposition, the Receiver may refile his motion for civil contempt, if appropriate.

SO ORDERED.

DATED: May 11, 2007.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE