

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

JAMES E. JUDGE
PATRICIA A. JUDGE,

Debtor

CHAPTER 11
Case No.

L-88-00006C

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 21 1991

BARBARA A. EVERLY, CLERK

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable MICHAEL J. MELLOY, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: Debtors are awarded sanctions and judgment shall enter in favor of the debtors and against Terrance Keegan in the sum of \$150 and against Michael Sheehy in the sum of \$450.



[Seal of the U.S. Bankruptcy Court]
Date of Issuance: June 21, 1991

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Michael J. Melloy*
Deputy Clerk

Recorded Vol III
Page 34

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUN 21 1991

BARBARA A. EVERLY, CLERK

IN RE:

Chapter 11
BANKRUPTCY NO.

JAMES E. JUDGE and
PATRICIA A. JUDGE,

L-88-00006C

Debtors.

ORDER RE: SANCTIONS

On January 15, 1991, this Court entered a Ruling Re: Discovery Dispute. In that order, the Court indicated that sanctions would be imposed against the deponent, Terrance Keegan and his attorney. The sanctions were to be apportioned 25% against Mr. Keegan and 75% against his attorney, Michael Sheehy. The Court went on to provide that the prevailing party was to submit an affidavit setting forth the amount of sanctions which the Debtors believe would be appropriate.

On February 4, 1991, a supplement to motion to compel discovery and for sanctions was filed. The total amount of fees and expenses requested was \$2,720.65. On February 11, 1991, a response to the request for fees was filed by Terrance Keegan. On June 12, 1991, the Debtors filed a request for hearing on the amount of the sanctions. The notice setting the hearing on the supplemental motion to compel discovery and for sanctions was sent by the clerk's office setting a hearing for July 24, 1991. However, the Court has reviewed this matter and believes that the issue of the amount of sanctions can be ruled upon without the necessity of a further hearing. Accordingly, the hearing scheduled for July 24, 1991, is canceled and the Court now enters its ruling

on the amount of sanctions to be imposed.

The Court finds that the request for sanctions in the amount of \$2,720.65 is excessive. In the order of January 15, 1991, the Court noted that the sanctions would be limited to a reasonable fee for bringing the motion to compel discovery. No fees were being awarded for the expenses associated with the deposition which was not held and which was the subject of the motion to compel discovery. The Court finds that this is not the type of matter which should have required both law firms who are participating in this lawsuit, that is, the firm of Childers & Vestle, P.C., and Dixon & Dixon, P.C., to prepare and argue the motion to compel and submit the appropriate briefs. In addition, the Court notes the mitigating circumstances of this matter which are discussed at footnote 4 of the Order of January 15, 1991.

The Court finds that sanctions totalling \$600 are appropriate and adequate under the circumstances of this case.

IT IS THEREFORE ORDERED that the debtors, James E. Judge and Patricia A. Judge, are awarded sanctions against Terrance Keegan and Michael Sheehy in the total sum of \$600. Pursuant to the Order of January 15, 1991, the sanctions are apportioned 25% against Terrance Keegan, for a total sanction of \$150, and 75% against Michael Sheehy, for a total sanction of \$450. Judgment shall enter accordingly in favor of the Debtors and against Terrance Keegan in the sum of \$150 and against Michael Sheehy in the sum of \$450.

DONE AND ORDERED this 21st day of June, 1991.


MICHAEL J. MELLOY
Chief Bankruptcy Judge

Copies to: *in Judgment*
Childers & Vestle, P.C.,
Attys for Debtor;
Michael E. Sheehy,
Atty for Terrance Keegan;
John Titler,
Atty for PCA;
U.S. Trustee;
this June 21, 1991
Murray A. Golay
Deputy Clerk
P.O. Box 74890
Cedar Rapids, Iowa 52407

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

JUL 16 1991

IN RE:)		
)	Chapter 11	BARBARA A. EVERLY CLERK
JAMES E. JUDGE and)		
PATRICIA A. JUDGE,)	BANKRUPTCY NO. L-88-00006C	
)		
Debtors.)		

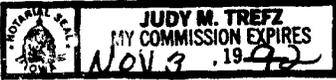
SATISFACTION OF JUDGMENT

COMES NOW the undersigned, James E. Judge and Patricia A. Judge, debtors in the above-styled cause of action and acknowledge receipt of the amount of \$150.00 in complete satisfaction of the judgment entered by the Honorable Michael J. Melloy, Judge, Bankruptcy Court, United States District Court for the Northern District of Iowa on the 21st day of June, 1991.

James E. Judge
James E. Judge

Patricia A. Judge
Patricia A. Judge

STATE OF IOWA)
) SS.
COUNTY OF LINN)



On this 11th day of July, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared James E. Judge and Patricia A. Judge, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Judy M. Trefz
Notary Public in and for
the State of Iowa

Copy handed to
filing attorney
on date filed *don*

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

JUL 16 1991

IN RE:)	BARBARA A. EVERLY CLERK
)	
JAMES E. JUDGE and)	Chapter 11
PATRICIA A. JUDGE,)	
)	BANKRUPTCY NO. L-88-00006C
)	
Debtors.)	

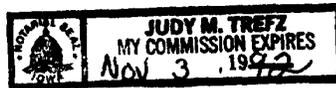
SATISFACTION OF JUDGMENT

COMES NOW the undersigned, James E. Judge and Patricia A. Judge, debtors in the above-styled cause of action and acknowledge receipt of the amount of \$450.00 in complete satisfaction of the judgment entered by the Honorable Michael J. Melloy, Judge, Bankruptcy Court, United States District Court for the Northern District of Iowa on the 21st day of June, 1991.

James E. Judge
James E. Judge

Patricia A. Judge
Patricia A. Judge

STATE OF IOWA)
) SS.
COUNTY OF LINN)



On this 11th day of July, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared James E. Judge and Patricia A. Judge, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Judy M. Trefz
Notary Public in and for
the State of Iowa

Copy handed to
filing attorney
on date filed

dsr

Recorded: Vol. III
page 34