

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

PEARLY RHYMER,

Plaintiff,

v.

2003-CV-0081

KMART CORPORATION,

Defendant.

TO: Lee J. Rohn, Esq.
Yvette D. Ross-Edwards, Esq.

ORDER GRANTING PLAINTIFF'S RENEWED MOTION FOR SANCTIONS

THIS MATTER came before the Court for show cause hearing, on January 9, 2009, to determine whether Defendant should be held in contempt for its failure to comply with the Court's previous orders. Lee J. Rohn, Esq., appeared on behalf of Plaintiff. Yvette D. Ross-Edwards, Esq., represented Defendant.

Plaintiff filed a renewed Motion For Sanctions For Failure to Obey the Court Order Dated October 09, 2008 (Docket No. 68). No written response to said motion was filed by Defendant, and the Court issued an order to show cause against Defendant to determine whether sanctions were appropriate and, if so, the extent of the sanctions.

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Having reviewed the renewed motion for sanctions and having heard the arguments of counsel, the Court finds that Defendant has wilfully refused to comply with the orders of the Court directing Defendant to respond to Plaintiff's discovery requests and, consequently, that Defendant is in contempt of Court. The Court further finds that sanctions beyond monetary sanctions are appropriate. The Court will grant Plaintiff's written request to strike Defendant's affirmative defenses.

Accordingly, it is now hereby **ORDERED**:

1. Defendant is in **CONTEMPT OF COURT**.
2. Plaintiff's Renewed Motion For Sanctions For Failure to Obey the Court Order Dated October 09, 2008 (Docket No. 68) is **GRANTED**.
3. Defendant shall serve upon counsel for Plaintiff, **within five (5) days from the date of entry of this order**, its responses to Plaintiff's Interrogatories and Demand For Production of Documents dated November 6, 2007.
4. Defendant shall pay to Plaintiff, **within ten (10) days from the date of entry of this order**, the sum of **\$800.00**, for costs and attorney's fees associated with the filing of the Renewed Motion For Sanctions, and file notice of such payment with the Court.
5. Defendant's affirmative defenses are **STRICKEN**.

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6. Defendant is cautioned that further failure to adhere to the Court's orders shall result in further sanctions which may include default.

ENTER:

Dated: January 9, 2009

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE