

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IDONA WALLACE

v.

KMART CORPORATION

1:02-cv-107

**ERROL STANLEY, NIGEL CHARLES,
MELVIN NEAL, JOSEPH SONNY,
WRANDA DAVIS**

v.

**ST. CROIX BASIC SERVICES, INC., BASIC
INDUSTRIES, INC., HOVENSA, L.L.C., and
AMERADA HESS CORPORATION**

1:03-cv-55

FORREST THOMAS

v.

**CENTENNIAL COMMUNICATIONS
CORP., CENTENNIAL CARIBBEAN
HOLDING CORP., and CENTENNIAL
USVI OPERATIONS CORP.**

1:03-cv-163

MARK VITALIS,

v.

**SUN CONSTRUCTORS, INC., RICHARD
“DOC” LANGNER, and EXCEL GROUP,
INC.**

1:05-cv-101

Vitalis v. Sun Constructors, Inc.

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PATRICE CANTON

1:05-cv-143

v.

KMART CORPORATION

GLENFORD RAGGUETTE

1:06-cv-173

v.

PREMIER WINES AND SPIRITS, LTD.

TERRANCE ALEXIS

1:07-cv-91

v.

**HOVENSA, L.L.C., and HESS f/k/a
Amerada Hess Corporation**

HELEN JAMES-STEELE

1:04-CV-123

v.

FORD MOTOR COMPANY

TO: See attached distribution list

**ORDER REGARDING MOTION FOR CONTEMPT AGAINST ATTORNEY ROHN
FOR FAILING TO COMPLY TO [sic] THE SUBPOENA DUCES TECUM ISSUED ON
BEHALF OF SUN, LANGNER, AND EXCEL**

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THIS MATTER came before the Court upon Motion For Contempt Against Attorney Rohn For Filing to Comply to [sic] the Subpoena *duces tecum* Issued on Behalf of Sun, Langner, and Excel (1:05-cv-101, Docket No. 627). Attorney Rohn filed a response in opposition to said motion, and Defendants Sun Constructors, Inc., Richard “Doc” Langner, and Excel Group, Inc., filed a reply (titled a response) thereto.

Having reviewed the motion, opposition, and reply and upon due consideration thereof, the Court finds that said Defendants properly issued a subpoena to Attorney Rohn, that Attorney Rohn failed to comply with such subpoena, and that Attorney Rohn has provided no “adequate excuse” for her failure to comply. Fed. R. Civ. P. 45(e). Consequently, the Court is authorized, pursuant to Rule 45, to hold Attorney Rohn and contempt. Based upon the foregoing, the Court will grant the motion and will impose sanctions against Attorney Rohn.

Accordingly, it is hereby **ORDERED**:

1. Motion For Contempt Against Attorney Rohn For Failing to Comply to [sic] the Subpoena *Duces Tecum* Issued on Behalf of Sun, Langner, and Excel (1:05-cv-101, Docket No. 627) is **GRANTED**.
2. Lee J. Rohn, Esq., counsel for Plaintiffs, shall comply with the document requests contained in the subpoena *duces tecum* issued on behalf of

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Defendants Sun Constructors, Inc., Richard “Doc” Langner, and Excel Group, Inc., and deliver such documents to counsel for said Defendants on or before **September 7, 2010**.

3. Any documents Attorney Rohn deems “privileged” may be submitted, accompanied by a detailed privilege log, to the undersigned on or before **September 7, 2010**, for *in camera* review.
4. Attorney Rohn **shall pay** Defendants Sun Constructors, Inc., Richard “Doc” Langner, and Excel Group, Inc.’s reasonable costs and attorney’s fees associated with and related to the motion for contempt upon the Court’s approval of such amounts.
5. Counsel for Defendants Sun Constructors, Inc., Richard “Doc” Langner, and Excel Group, Inc., shall submit, within fourteen (14) days from the date of entry of this order, an affidavit, declaration, or other certification detailing the costs and fees associated with and related to the motion for contempt.
6. Any failure by Attorney Rohn to produce the documents as ordered shall result in further sanctions.

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ENTER:

Dated: August 25, 2010

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.

U.S. MAGISTRATE JUDGE

ECF: Lee J. Rohn, Esq.
Eugenio W.A. Geigel-Simounet, Esq.
George H. Logan, Esq.
Linda J. Blair, Esq.
Simone R.D. Francis, Esq.
David J. Cattie, Esq.
Anna H. Paiewonsky, Esq.
Stephanie L. Adler, Esq.
Daryl C. Barnes, Esq.