

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, *et al.*,

Plaintiffs,

v.

JASON KESSLER, *et al.*,

Defendants.

CASE NO. 3:17-cv-00072

SHOW CAUSE ORDER

JUDGE NORMAN K. MOON

This Court has scheduled a contempt hearing concerning **Defendant Elliott Kline**, who **SHALL APPEAR** on **Monday, November 25, 2019** at **1:00 P.M. EST**, at the United States Courthouse in Charlottesville, Virginia, to **SHOW CAUSE** why he should not be adjudged in contempt of court, by reason of the facts certified by United States Magistrate Judge Joel Hoppe, in his Order dated October 30, 2019. Dkt. 584.

Kline has been and hereby is **ORDERED** to appear at that hearing.

Upon consideration of Judge Hoppe's October 30, 2019 Order and Certification, this Court further **ORDERS** the following:

1. Kline shall, no later than **Thursday, November 21, 2019** at **5:00 P.M. EST**, provide to "the Third Party Discovery Vendor for imaging and collection any electronic devices (including [Kline's] old cell phone) and social media credentials identified on [Kline's] Certification Form," as had been specifically ordered by Judge Hoppe on August 8, 2019 (Dkt. 538 at 1-2);*

* Judge Hoppe's order also stated: "[a]fter the Discovery Vendor has collected all ESI responsive to the parties' agreed-upon search terms, the Court will set another deadline for Kline to review

2. Kline shall, no later than **Thursday, November 21, 2019 at 5:00 P.M. EST**, provide to Plaintiffs' counsel full and complete written answers to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents;
3. Kline shall, no later than **Thursday, November 21, 2019 at 5:00 P.M. EST**, confirm by email to this Court (moon.ecf@vawd.uscourts.gov), to Judge Hoppe's Chambers (hoppe.ecf@vawd.uscourts.gov) and copying Plaintiffs' counsel, that the above steps have been completed. Kline shall attach to that email a PDF copy of his written answers to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents; and
4. Kline shall, no later than **Thursday, November 21, 2019 at 5:00 P.M. EST**, file any brief or response to the facts certified and the issues raised in Judge Hoppe's Order and Certification (Dkt. 584), which Kline would like this Court to consider before the November 25, 2019 show cause hearing.

Judge Hoppe has recommended that this Court impose certain sanctions against Kline. These include, as a means to compel Kline's compliance with Judge Hoppe's prior discovery orders, escalating sanctions starting at \$100 per day for the first week of contempt, and escalating to, in the fourth week of contempt, issuance of a *capias* directing the United States Marshal's Service to arrest Kline, transport him to this judicial district, and hold him in custody until he purges himself of contempt. *See* ECF 584 at 13.

the results and produce all nonprivileged materials to Plaintiffs' counsel." Dkt. 538 at 1. The Parties shall be prepared to advise the Court on their positions on the time and procedure for Kline to conduct such a review, in view of the apparent substantial delays in the mere collection of such evidence.

At the hearing before this Court on November 25, 2019, Kline shall be prepared to address the facts certified by Judge Hoppe, as well as the recommended sanctions.

It is so **ORDERED**.

The Clerk of the Court is directed to send a certified copy of this Order to the parties.

Entered this 14th day of November, 2019.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE