

**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 TO ROBERT
“AZZMADOR” RAY**

JUDGE NORMAN K. MOON

On July 23, 2020, United States Magistrate Judge Joel Hoppe issued an Order granting Plaintiffs’ request for a court order compelling Defendant Robert “Azzmador” Ray’s attendance at a deposition on July 29, 2020. Dkt. 814.

Judge Hoppe’s Order stated that Ray “is hereby ORDERED to appear by video-conference for a deposition upon oral examination by Plaintiffs’ counsel in this matter at 9:30 a.m. ET on Wednesday, July 29, 2020 …” *Id.* (emphasis omitted). Judge Hoppe stated that he “expect[ed] Ray to appear and participate in good faith as required by the Federal Rules of Civil Procedure.” *Id.* And Judge Hoppe warned Ray that failure to comply with the Order may result in a bench warrant being issued for his arrest and transportation to this judicial district to appear and show cause why he should not be held in contempt of court. *Id.* Judge Hoppe also granted Plaintiffs’ requests to be reimbursed for their reasonable fees and expenses caused by Ray’s prior failure to attend the originally scheduled July 13, 2020 deposition. *Id.*

On August 5, 2020, Plaintiffs advised the Court that Ray failed to appear for his deposition on July 29, 2020. Dkt. 818 at 2. They further advised the Court that, despite their effort to contact him, Ray did not inform Plaintiffs before the deposition that he did not plan to attend. *Id.*

Upon consideration of Judge Hoppe's Order of July 23, 2020 and Plaintiffs' Supplemental Brief in Support of Plaintiffs' Motion to Compel the Deposition of Robert "Azzmador" Ray filed on August 5, 2020, the Court finds good cause to issue this Show Cause Order on account of Ray's failure to comply with Judge Hoppe's Order of July 23, 2020.

Accordingly, this Court has scheduled a contempt hearing concerning **Defendant Robert "Azzmador" Ray**, who **SHALL APPEAR on Monday, September 14, 2020 at 2:00 P.M. ET**, to **SHOW CAUSE** why he should not be adjudged in contempt of court, for failure to comply with Judge Hoppe's Order of July 23, 2020. **The hearing on September 14, 2020 at 2:00 P.M. ET shall be conducted by video-conference.** Ray has been and hereby is **ORDERED** to appear at that hearing. This Court will consider any testimony or other evidence from Ray or Plaintiffs they may wish to submit on September 14, 2020, to establish the existence of facts relevant to whether Ray should be adjudged in contempt of court, and regarding any appropriate sanction(s) to compel compliance with court orders.

The Court further **ORDERS** the following:

1. Ray shall contact Heidi Wheeler, Scheduling Clerk, at (434) 296-9284 or heidiw@vawd.uscourts.gov, no later than **Monday, September 7, 2020 at 5:00 P.M. ET**, to get login information to participate by video-conference at his September 14, 2020 contempt hearing;
2. Ray shall contact Plaintiffs' counsel at (212) 303-3643 or ybarkai@bsflp.com, no later than **Monday, September 7, 2020 at 5:00 P.M. ET**, to get any necessary login or contact information for Ray to participate in a deposition upon oral examination by Plaintiffs' counsel in this case on Monday, September 14, 2020 at 9:30 A.M. ET.

3. Ray shall, no later than **Wednesday, September 9, 2020 at 5:00 P.M. ET** file any brief or response to Plaintiffs' brief requesting the Court compel his deposition (Dkt. 818), or any other information which Ray would like this Court to consider before the September 14, 2020 show cause hearing;
4. Ray shall appear by video-conference for a deposition upon oral examination by Plaintiffs' counsel in this matter on **Monday, September 14, 2020 at 9:30 A.M. ET.** The Court expects Ray to participate in good faith in that deposition as the Federal Rules of Civil Procedure require.
5. Ray shall appear by video-conference at the **show cause hearing before this Court on September 14, 2020 at 2:00 P.M. ET**, at which time he shall be prepared to address any facts relevant to his failure to comply with Judge Hoppe's order of July 23, 2020, and failure to sit for a deposition in this case, and any potential sanctions that might be required to compel his compliance with such order, including escalating monetary penalties and/or holding Ray in custody until he purges himself of contempt.

Ray is further **ADVISED** that his failure to appear at his deposition on September 14, 2020 at 9:30 A.M. ET, or his failure to appear at the show cause hearing before this Court on September 14, 2020 at 2:00 P.M. ET, or failure to comply with any other Order set forth above:

1. Could result in additional grounds of contempt;
2. Could result in the issuance of sanctions to compel his compliance with Court Orders, including escalating monetary penalties;

3. Could result in this Court issuing a bench warrant directing the United States Marshal's Service to arrest Ray and to transport him to Charlottesville, and to hold him in custody until he purges himself of contempt.

It is so **ORDERED**.

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

Entered this 27th day of August, 2020.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE