

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

THE HYDE MUHLER CORP., )  
Plaintiff, )  
v. ) No. 3:04-cv-64  
JOE NATHAN WARD, *et al.*, ) (PHILLIPS/GUYTON)  
Defendants. )

## **MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 49] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of plaintiff's Motion for Sanctions [Doc. 44] and Motion for Show Cause Order [Doc. 48]. This matter came before the Court on October 29, 2007 for a motion hearing in which the Court ordered defendant Joe Ward, with his consent and agreement, to participate in a deposition on December 7, 2007 and further directed him to bring all relevant loan applications and documents as well as business and personal tax returns from the past two years [Doc. 51]. At the hearing, the Court also advised the parties it would reserve ruling on plaintiff's Motion for Sanctions [Doc. 44] and Motion for Show Cause Order [Doc. 48] until after December 7, 2007, the date of Mr. Ward's deposition.

The Court has been advised Mr. Ward participated in the December 7, 2007 deposition, but did not produce any relevant loan applications, documents, or personal tax returns. Counsel for plaintiff further advised the Court that he has been in communication with counsel for defendant and is hopeful the requested business and tax documents from Mr. Ward will be provided. Counsel for

plaintiff requests the Court reserve ruling on the two pending motions in hopes the additional time will result in production of requested documents.

While appreciating plaintiff's willingness to work with defendant to achieve a non-adversarial outcome in this matter, the Court must recognize the two pending motions cannot be held in abeyance indefinitely. Plaintiff filed the pending motions on March 5, 2007. The parties are hereby advised that after February 1, 2008, the Court will proceed to rule on the two pending motions, unless the motions have been withdrawn on or before that date.

The Clerk is directed to send a copy of this Order to Mr. Ward.

**IT IS SO ORDERED.**

**ENTER:**

s/ H. Bruce Guyton  
United States Magistrate Judge