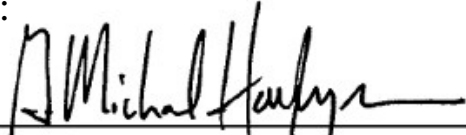




THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: February 25, 2015


G. Michael Halfenger
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re:

William J. Foley

Case No. 14-31425-GMH

Debtor.

Chapter 7

ORDER

On January 19, 2015, the trustee, Mr. Mann, issued a subpoena under Fed. R. Bankr. P. 9016 commanding Mid America Seasoning, Inc., to produce documents in association with its business relationship with the debtor, Mr. Foley, and his business, Shamrock Wholesales. Mid America, through its president Frank Trummer, responded to the subpoena with a brief letter and a copy of a non-disclosure agreement between Mid America and Shamrock Wholesales. On February 2, Mr. Mann wrote Mid America to advise it that the subpoena commands Mid America to produce information about recipes it holds for Mr. Foley and Shamrock Wholesale.

Obtaining nothing more from Mid America, the trustee moved to enforce the subpoena on February 20. CM-ECF, No. 174. The motion explains that Mid America has only produced one document, and that Mid America has otherwise failed to comply with command of the subpoena. *Id.*

Bankruptcy Rule 9016 authorizes the court to hold in contempt persons who refuse to comply with lawfully issued subpoenas. See Fed. R. Civ. P. 45(g) (incorporated by Fed. R. Bankr. P. 9016). A party found in contempt risks other sanctions, including having to pay the subpoenaing party's legal fees, designed to persuade it to comply with the

subpoena's command. *In re Sciaba*, 334 B.R. 524, 526 (Bankr. D. Mass. 2005) (citing *In re Power Recovery Systems*, 950 F.2d 798, 802 (1st Cir. 1991)).

Accordingly,

IT IS ORDERED that Mid America Seasoning, Inc., must produce the items listed in Mr. Mann's subpoena on or before March 13, 2015.

IT IS FURTHER ORDERED that if Mid America Seasoning, Inc. fails to produce the requested items on or before March 13, 2015, Mid America Seasoning, Inc., will be considered to be in contempt of this order and must show cause by March 20, 2015, why it should not be fined \$1,000 a day for each day it fails substantially to comply with the subpoena.

#####