

SIGNED.

Dated: January 25, 2012



James M. Marlar

James M. Marlar, Chief Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:
DEMPSTER JACKSON and MARY JACKSON,
Debtors.

Chapter 7
No. 2:08-bk-14091-JMM
Adversary No. 2:10-ap-00291-JMM

GENOS WILLIAMS,
Plaintiff,
vs.
DEMPSTER JACKSON and MARY JACKSON,
Defendants.

**MEMORANDUM DECISION
AND ORDER**

On January 18, 2012, this court held a hearing to determine if it was appropriate to enter judgment against the Debtors/Defendants in this adversary proceeding. All counsel were present, and arguments were heard. A supplemental pleading was filed by Plaintiff's counsel, which this court has now read and considered.

It is apparent from the record that this court's order, for the payment of fees and costs of \$1,984.50 to Plaintiff's attorneys, by close of business on January 19, 2012, has not occurred. Nor does it appear that it will, because Defendants filed a motion to extend that deadline.

The motion for extension (ECF No. 84) is DENIED. Thus, due to Defendants' default on the payment order of January 4, 2012, a default judgment on the liability phase of this case will be entered.

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1 It is also appropriate to default Defendants for consistently interfering with, obstructing
2 or failing to cooperate with the discovery phase of this adversary proceeding. Although this is
3 an extreme remedy, FED. R. CIV. P. 37(b)(2)(A)(vi) (made applicable to bankruptcy cases by
4 FED. R. BANKR. P. 7037), it is authorized and may be utilized in an appropriate case. This is
5 such a case.

6 Accordingly, the liability phase of this adversary proceeding having been concluded,
7 counsel for Plaintiff shall lodge a partial judgment on liability, consistent with this decision,
8 within 15 days. That partial judgment will be superseded by a complete, final judgment, once
9 the hearing on damages has been concluded.

10 A hearing on damages will be held on **February 22, 2012 at 1:30 p.m.** (two hours
11 allowed unless counsel requests more time). Counsel for Defendants may cross-examine in the
12 damages phase.

13 Finally, IT IS ORDERED that the hearing on Defendants' motion for summary
14 judgment, set for **February 22, 2012, at 10:00 a.m.**, is VACATED and the motion is
15 DENIED, as moot (ECF No. 57).

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17 DATED AND SIGNED ABOVE.

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19 COPIES to be sent by the Bankruptcy Noticing
20 Center ("BNC") to all parties to this adversary proceeding
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