

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CALAVERAS**

DATE November 4, 1983 COURT MET AT _____ DEPARTMENT NO. _____
PRESENT HON: Joseph S. Huberty JUDGE Karen Varni DEPUTY CLERK
_____, REPORTER _____ BAILIFF _____

TITLE: JO ANN THOMSEN, et al. vs. DOUGLAS T. MESSER, et al.	COUNSEL:
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NATURE OF PROCEEDINGS: Decision on Motion for Sanctions and/or Contempt on Failure to Comply with Order Filed September 28, 1983 ACTION NO. 10718

Motion is granted. Remington is found in contempt for failing to comply with the court's order directing the production of certain Remington officers and/or employees for deposition in that Remington failed to produce Barrett and Hooten upon the date and at the time that each was ordered to appear. These were produced for deposition a week later than the first scheduled date. However, the circumstances which then prevailed (See the "Further Declaration ..." of Ames dated October 12 and the transcripts of the depositions of Barrett and Hooten of October 11) are a further exhibition of the arrogance and disrespect of Remington which finally exceeds the limits of tolerance of this court.

These events, coupled with the several motions to compel which have been occasioned by Remington's inexcusable non-compliance with legitimate discovery requests constitute a flagrant disregard of the law which have caused a waste of judicial and legal time, has been obstructive and offensive to the administration of justice and unfair to the other litigants herein. The court will consider the imposition of severe sanctions.

In order to assist the court in this regard counsel for the State and Thomsen are requested, within 7 days, to present a factual summary of those instances which support such imposition and argument and authority for the nature of those sanctions which are justified. Remington will have 5 days thereafter to reply.

cc: John Hannegan/Jack Lovell
Thomas C. Richards
Orlie Curtis
Christopher Ames
JCR _____

R/A _____