

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|---------------------|---|-----------------------|
| In Re: |) | Case No.: 02-34493 |
| |) | |
| Michael T. Haddad, |) | Chapter 7 |
| |) | |
| Debtor. |) | Adv. Pro. No. 02-3366 |
| |) | |
| Maumee Motors, LLC, |) | Hon. Mary Ann Whipple |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| Michael T. Haddad, |) | |
| |) | |
| Defendant. | | |

ORDER REGARDING MOTION FOR SANCTIONS

This matter is before the Court on Defendant’s Motion for Sanctions [Doc. # 62]. Defendant complains that, although timely filed, Plaintiff’s supplement to discovery was merely a recitation of the allegations of the amended complaint and that the allegations contain no statement as to time periods involved, individuals named, or what other evidence Plaintiff has in its possession to support its claim.” He then requests appropriate sanctions against Plaintiff for “failure to be specific and precise as to its allegations contained in its amended complaint.” Defendant requests that Plaintiff be precluded from introducing any evidence at trial that it has failed to provide to Defendant in its supplement or, in the alternative, that Plaintiff’s amended complaint be dismissed. For the following reasons, Defendant’s motion is denied.

While it is true that Plaintiff’s supplement to discovery consists of the allegations in its amended complaint, the allegations set forth with particularity the basis of Plaintiff’s dischargeability claim under 11 U.S.C. § 727. With respect to Defendant’s contention that Plaintiff has failed to disclose other evidence in support of its claim, this Court is not in a position at this time to make such a determination. If Plaintiff has disclosed what he has and knows, then he has properly supplemented the pending discovery requests. It may or may not ultimately be sufficient evidence to prevail at trial. If, however, evidence is offered at

trial that has not been properly disclosed in response to previous discovery requests, the Court will rule on any appropriate objection to admission of such evidence at that time. Dismissal of the amended complaint is simply inappropriate. *Hunt v. City of Minneapolis*, 203 F.3d 524, 527 (8th Cir. 2000) (recognizing that dismissal with prejudice is an extreme sanction that should be used only in cases of willful disobedience of a court order or where a litigant exhibits a pattern of intentional delay).

THEREFORE, for the foregoing reasons, good cause appearing,

IT IS ORDERED that Defendant's Motion for Sanctions (Doc. #62) be, and hereby is, DENIED.

/s/ Mary Ann Whipple

Mary Ann Whipple
United States Bankruptcy Judge