

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IRON WORKERS ST. LOUIS
DISTRICT COUNCIL PENSION
TRUST; IRON WORKERS ST. LOUIS
DISTRICT COUNCIL ANNUITY
TRUST; and IRON WORKERS ST.
LOUIS DISTRICT COUNCIL
WELFARE PLAN,

Plaintiffs,

v.

BUMPY'S STEEL ERECTION, LLC,

Defendant.

Case No. 20-MC-00004-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

On December 4, 2019, a default judgment was entered against Bumpy's Steel Erection, LLC, in the amount of \$685,427.85 in the United States District Court for the Eastern District of Missouri. *See Iron Workers St. Louis District Council Pension Trust et al v. Bumpy's Steel Erection LLC*, 4:18-cv-2032 (E.D. Mo. Dec. 4, 2019). On February 3, 2020, Plaintiffs registered the judgment in the Southern District of Illinois. (Doc. 2). On April 27, 2020, the Clerk of Court issued an Alias Citation in Supplemental Proceedings to Discover Assets ("Alias Citation") to Bumpy's Steel. (Doc. 8). The Court later granted Plaintiffs' motion to serve the Alias Citation via mail and by posting copies of it at the residential address of Ashanti Mitchell ("Mitchell"), the sole manager of Bumpy's Steel. (Doc. 10). The Alias Citation states as follows:

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to BUMPY'S STEEL ERECTION LLC, whether held individually or jointly, or to which it may be entitled or which may be acquired by or become due to it and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to it, until further order of the Court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the Judgment.

(Doc. 8).

Despite the Alias Citation, on May 28, 2020, Mitchell sold property belonging to Bumpy's Steel for \$50,000—approximately \$14,000 less than the value of the property¹—to her mother. (Doc. 24-4). Mitchell used the \$50,000 to pay Midland States Bank \$41,244²—while retaining \$3,454.³ (Doc. 27, p. 3).

On November 16, 2020, Plaintiffs filed a motion for writ of body attachment as to Mitchell because Bumpy's Steel failed to appear or comply with the Alias Citation requiring production of certain documents. (Doc. 18). In late November and early December 2020, Mitchell and Bumpy's Steel retained counsel and produced records reflecting the sale of the property at issue. (Doc. 22). On January 29, 2021, Mitchell submitted to a judgment debtor examination. (Doc. 28, p. 2). Bumpy's Steel also produced

¹ According to a May 2020 appraisal report, the property at issue was valued at approximately \$63,600. (Doc. 24-3).

² Bumpy's Steel borrowed money from Midland States Bank in order to purchase the property at issue. (Doc. 27, p. 2). In April 2020, Midland States Bank filed a lawsuit to foreclose on the property. (*Id.*).

³ Notably, Mitchell did not deposit the \$3,454 into the operating account belonging to Bumpy's Steel, but split the proceeds with her brother. (Doc. 28, p. 3). The remaining \$5,302 was prorations, taxes, title charges, and recording fees.

more than 177 pages of bank records, sales records, and other documents regarding the sale of the property. (*Id.*).

Plaintiffs also moved for sanctions against Mitchell asserting Mitchell willfully violated the terms of the Alias Citation. (Doc. 24, p. 4). Bumpy's Steel filed responses to Plaintiffs' Motion for Sanctions on January 15, 2021. (Doc. 27). On May 24, 2021, Magistrate Judge Sison issued the Report and Recommendation. (Doc. 29). On April 11, 2022, the Court adopted in part and modified in part Magistrate Judge Sison's Report and Recommendation. (Doc. 31). The Court overruled all of Bumpy's Steel's Objections (Doc. 30), and granted the Motion for Sanctions. The Court explained it was to award Plaintiffs an amount to be determined after additional briefing on (1) the \$11,376.15 at issue (as set forth in footnote 4 in Doc. 31); and (2) reasonable attorneys' fees and costs for bringing the contempt motions.

On July 11, 2022, the Court ordered Mitchell to pay the sum of \$74,976.15 within 10 days of the Court's Order. (Doc. 36). Mitchell was also ordered to pay Plaintiffs' attorneys' fees and costs in the amount of \$7,287.70. On September 21, 2022, Plaintiffs filed a Motion for Order Requiring Ashanti Mitchell to Appear and Show Cause as to Why She Should Not be Held in Contempt. (Doc. 37). As of the date of the motion, "Mitchell has failed and/or refused to pay the Trust Funds either the \$74,976.15 or the \$7,287.70 in attorney's fees and costs as ordered by this Court on July 11, 2022." (*Id.* at p. 4).

Having considered the motion and the procedural history of this case the Court **GRANTS** the motion. **IT IS HEREBY ORDERED** that **Ashanti Mitchell** shall appear

before the undersigned Chief District Judge to **SHOW CAUSE** why contempt sanctions should not be imposed. *See Radio One, Inc. v. Direct Media Power, Inc.*, 2018 WL 4685470, at *10 (N.D. Ill. Sept. 28, 2018) (“Again, there is no doubt that an individual officially responsible for a corporation’s compliance with a court order may be punished for contempt if he [or] [she] fails to act appropriately.”). *Tranzact Techs., Inc. v. 1Source Worldsite*, 406 F.3d 851, 856 (7th Cir. 2005) (“it is well established that an individual officially responsible for a corporation’s compliance with a court order, as Wang was in this case, may be punished for contempt if he fails to act appropriately”). The show cause hearing will be set by separate order.

IT IS SO ORDERED.

DATED: November 30, 2022

Handwritten signature of Nancy J. Rosenstengel in black ink, written over a circular seal of the U.S. District Court for the Northern District of Illinois.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge

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ST. LOUIS DISTRICT COUNCIL ANNUITY
TRUST; and IRON WORKERS ST. LOUIS
DISTRICT COUNCIL WELFARE PLAN,

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Defendant.

Case No. 20-MC-00004-NJR

JUDGMENT IN A CIVIL ACTION

DECISION BY THE COURT.

This matter having come before the Court, and the Court having rendered a decision,

IT IS ORDERED AND ADJUDGED that, third party citation respondent Ashanti Mitchell having appeared before this Court to Show Cause as to why contempt sanctions should not be imposed, Judgment is hereby entered in favor of Plaintiffs/Judgment Creditors and against Ashanti Mitchell in the aggregate amount of \$82,263.85 which is itemized as follows:


1. \$63,600.00 for sale of property located at 113 North 88th Street in Centreville, Illinois;
2. \$11,376.15 for transfer of funds from the operating account of Bumpy's Steel Erection LLC; and
3. \$7,287.70 in attorney's fees and costs incurred by the Plaintiffs/Judgment Creditors.

DATED: January 17, 2023

**MONICA A. STUMP,
Clerk of Court**

By: s/ Deana Brinkley
Deputy Clerk

APPROVED:



**NANCY J. ROSENSTENGEL
Chief U.S. District Judge**