



GRANTED

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

Carlos Samour
District Court Judge

DATE OF ORDER INDICATED ON ATTACHMENT

DISTRICT COURT, ARAPAHOE COUNTY,
COLORADO

7325 South Potomac Street
Englewood, CO 80112
Phone: 303-649-6355

EFILED Document
CO Arapahoe County District Court 18th JD
Filing Date: Jan 30 2008 1:16PM MST
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Plaintiff: CONSUMER CRUSADE, INC.

v.

Defendants: CLARION MORTGAGE CAPITAL, INC.

▲ COURT USE ONLY ▲

Case Number: 04 CV 0229

Div. 206

ORDER

THIS MATTER having come before the court on January 18, 2008, for hearing on the Contempt Citation and Defendant Clarion Mortgage Capital, Inc. ("Clarion") having appeared through its attorneys, Bloom Murr & Accomazzo, P.C., and Defendant Consumer Crusade, Inc. ("Consumer Crusade") having failed to appear either by a representative of the plaintiff corporation or its counsel of record, the Court hereby finds as follows:

1. On November 15, 2007, this Court issued an order for Consumer Crusade to appear before the Court on January 18, 2008 to show cause why it should not be held in contempt for its failure to respond to Interrogatories to Judgment Debtor issued to it.
2. By issuing the Order to Show Cause, the Court found that Clarion had met its initial burden of demonstrating, by clear and convincing evidence, that Consumer Crusade was in contempt of Court.
3. At the hearing on January 18, 2008, both Consumer Crusade and its counsel failed to appear and failed to present any argument, objection or evidence that would explain why it failed to answer the Interrogatories to Judgment Debtor directed toward it.
4. In disclosure filed before this Court, Consumer Crusade has identified Francis A. Salazar as its litigation manager.

It is therefore,

ORDERED that Plaintiff Consumer Crusade is held in contempt of Court, and it is further,

ORDERED, that Francis A. Salazar, or a similar officer or director of Consumer Crusade appear personally before the Court on the _____ day of _____, 2008,

at the hour of _____ .m., to explain the failure of Consumer Crusade to appear at the hearing to show cause held on January 18, 2008.

DONE this ____ day of _____, 2008.

BY THE COURT:

District Court Judge

Court: CO Arapahoe County District Court 18th JD

Judge: Carlos A Samour

**File & Serve
Transaction ID:** 18239359

Current Date: Jan 30, 2008

Case Number: 2004CV229

Case Name: CONSUMER CRUSADE INC et al vs. CLARION MORTGAGE CAPITAL INC et al

Court Authorizer

Comments:

The Court has reviewed the parties' briefs on the motion to quash subpoena and subpoena duces tecum. That motion is denied. It would be the height of irony and an utter miscarriage of justice to hold that Mr. Demirali may appeal the judgment entered and may file a motion to quash through LexisNexis, while at the same time find that service cannot be accomplished on him through LexisNexis. Because Mr. Demirali appeared to be avoiding service of Clarion's subpoena and subpoena duces tecum, pursuant to C.R.C.P. 4(f), the Court allowed service through LexisNexis. He obviously received the subpoena and subpoena duces tecum, because he subsequently filed a motion to quash.

Mr. Demirali failed to appear at the scheduled deposition and to produce records. Thereafter, he failed to appear in Court on Clarion's motion for contempt citation. The Court understands that Mr. Demirali disagrees with this Court's prior judgment in favor of Clarion and that he is appealing that judgment. Mr. Demirali may be correct in asserting that this Court erred and he may eventually receive relief on appeal. But the fact remains that a judgment was entered against him and his firm and he is currently a judgment debtor. Clarion, as the creditor, has the right to attempt to collect on that judgment. And the Court is not aware of any law or rule that allows Mr. Demirali to prosecute his appeal from outside the state while at the same time avoid judgment collection proceedings. That is not consistent with the spirit of the Rules of Procedure or the Rules of Professional Conduct.

Accordingly, the Court hereby enters this Order Regarding Contempt Citation. Clarion is to call the Court's staff and to schedule the matter for a hearing at which time Mr. Demirali must appear to explain why he should not be held in contempt of Court. Clarion shall give notice of the hearing to Mr. Demirali through LexisNexis.

/s/ Judge Carlos A Samour