

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FORBA HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 4:08-cv-00137-JHM-ERG
)	
DEBBIE HAGAN,)	
)	
Defendant.)	

**PLAINTIFF’S MOTION TO REOPEN CASE AND DISCOVERY
TO ENFORCE CONSENT JUDGMENT**

Plaintiff, now known as Church Street Health Management, LLC (FORBA Holdings, LLC changed its name to Church Street Health Management, LLC effective December 31, 2010; hereinafter “Plaintiff” or “CSHM”), respectfully moves, to reopen this case and discovery for the purpose of enforcing the Consent Injunction of November 17, 2008 [D.E. 11]. As further grounds for this motion, Plaintiff states as follows:

1. The Consent Injunction was filed in this action on November 17, 2008 [D.E. 11]. This action was subsequently dismissed by Order filed on April 16, 2009, with the Consent Judgment to remain in full force and effect [D.E. 37].

2. On July 2, 2011, Plaintiff filed its Motion for Sanctions, to Enforce Consent Injunction, to Show Cause as to Why Defendant Should Not be Held in Contempt, to Hold Defendant in Contempt, for Award of Attorney’s Fees, the Imposition of Fines and Other Relief (“Motion for Sanctions”) [D.E. 40].

3. On August 11, 2011, the Court referred Plaintiff’s Motion for Sanctions for a Report and Recommendation by the Magistrate Judge [D.E. 45].

4. Defendant filed her response to Plaintiff's Motion for Sanctions on September 12, 2011 [D.E. 47], to which Plaintiff replied on September 29, 2011 [D.E. 50].

5. At a hearing on October 17, 2011, the Court advised the parties that the hearing on Plaintiff's Motion for Sanctions would be an evidentiary hearing, and Plaintiff advised the Court that it seeks discovery in connection with the proof it intends to present at such evidentiary hearing, which is to be reset at a later time.

6. Accordingly, and since this action was administratively closed by Order entered on April 16, 2009 [D.E. 37], Plaintiff seeks to reopen this case for the limited purposes of discovery in aid of its Motion for Sanctions, consistent with the Court's Order of October 20, 2011 [D.E. 52].

7. Specifically, Plaintiff seeks to take the deposition of Defendant and to serve on Defendant the attached set of discovery requests (Exhibit A hereto).

8. Additional grounds for the granting of this Motion are set forth in Plaintiff's supporting memorandum of law (Exhibit B hereto).

WHEREFORE, Plaintiff respectfully requests that the Court grant its Motion to Reopen Case and Discovery to Enforce Consent Injunction and grant Plaintiff such other and further relief as the Court deems just, proper and equitable.

Respectfully submitted,

/s/ Thor Y. Urness

Thor Y. Urness (admitted *pro hac vice*)
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Plaintiff's Motion To Reopen Case and Discovery To Enforce Consent Judgment" is being served, via U.S. Mail, first class postage prepaid, on this the 27th day of October, 2011, on:

Debbie Hagan
4453 Strickland Drive
Owensboro, KY 42301-6519

/s/ Thor Y. Urness

Thor Y. Urness