

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

David C. Traub, Richard O. Cabel, William R. Sotka, Ern Andrew Gregorio, Gloria Giselda N. Arroyo, Winelda C. Ycoy, Simon U. Cabel, and Christopher R. Asis v. Stardust389, Inc.; Airlock389, Inc.; Christopher H. Cooper, and Patricia Ann Bellasalma

Traub v. Stardust389, Inc. · No. Civil Action No. 22-1582-SRF · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Delaware granted in part plaintiffs’ unopposed motion to compel post-judgment discovery from judgment debtors. The court ordered production of responsive documents and attendance at depositions, denied without prejudice reimbursement of deposition reporter costs, and warned that noncompliance could result in contempt or other sanctions.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Sherry R. Fallon
JURISDICTION	United States District Court for the District of Delaware
DECIDED	March 20, 2026
DOCKET	Civil Action No. 22-1582-SRF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 69(a)(2) and Rule 37 to compel judgment debtors to comply with post-judgment discovery requests and sought reimbursement of deposition reporter costs.
PRECEDENTIAL VALUE	Unknown; memorandum order from the United States District Court for the District of Delaware

TOPICS

- discovery dispute
- civil procedure
- sanctions
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- judgment enforcement

QUESTIONS PRESENTED

1. Whether judgment creditors may use post-judgment discovery under Federal Rule of Civil Procedure 69(a)(2) and compel compliance under Rule 37.
2. Whether the judgment debtors should be ordered to produce responsive documents and appear for depositions.
3. Whether plaintiffs were entitled to reimbursement of \$900 in certified shorthand reporter costs resulting from the judgment debtors' deposition nonappearances.

HOLDINGS

1. A judgment creditor may obtain discovery from a judgment debtor under Federal Rule of Civil Procedure 69(a)(2) and may move under Rule 37 to compel compliance with post-judgment discovery requests.
2. The plaintiffs were entitled to an order compelling the judgment debtors to produce all responsive documents and appear for oral depositions.
3. The plaintiffs' request for reimbursement of \$900 in certified shorthand reporter costs was denied without prejudice.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 69(a)(2), a judgment creditor “may obtain discovery from any person—including the judgment debtor—as provided by these rules or by the procedure of the state where the court is located.”” (¶ 3)

“Plaintiffs have demonstrated good faith attempts to obtain the requested discovery by serving the discovery notices on counsel and emailing and mailing them to the Judgment Debtors.” (¶ 4)

FACTUAL BACKGROUND

On July 2, 2025, the court entered a memorandum opinion, order, and judgment enforcing the parties' settlement agreement. Plaintiffs thereafter served writs of execution and sought discovery in aid of execution. The judgment debtors failed to appear for noticed depositions or produce requested documents, and plaintiffs made good-faith efforts to obtain compliance before moving to compel.

PROCEDURAL HISTORY

The court previously entered a memorandum opinion, order, and judgment enforcing the parties' settlement agreement. Plaintiffs served writs of execution and post-judgment discovery requests on the judgment debtors, who failed to produce documents or appear for depositions. Plaintiffs filed an unopposed motion to compel; the court granted the motion in part, ordering production and depositions but denying without prejudice the request for \$900 in reporter costs.

DISPOSITION

CASES CITED

- Davis v. Erigere Rapidus Sols. ERS, Inc., 2025 WL 2962482, at *2 (D.N.J. Oct. 20, 2025)
- Hindman LLC v. Mihaly, 2023 WL 7735543, at *2 (S.D.N.Y. Nov. 15, 2023)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE DAVID C. TRAUB, RICHARD O. CABAEL,) WILLIAM R. SOTKA, ERN ANDREW) GREGORIO, GLORIA GISELDA N. ARROYO, □□ WINELDA C. YCOY, SIMON U. CABAEL, and) CHRISTOPHER R. ASIS,)) Plaintiffs,)) Vv.) Civil Action No. 22-1582-SRF) STARDUST389, INC.; AIRLOCK389, INC.;) CHRISTOPHER H. COOPER, and PATRICIA) ANN BELLASALMA,)) Defendants.) MEMORANDUM ORDER At Wilmington this 20th day of March, 2026, the court having considered Plaintiffs’ unopposed motion to compel the production of documents and deposition attendance by defendants Stardust389, Inc., Airlock389 Inc., and Christopher H. Cooper (collectively, the “Judgment Debtors”), IT IS ORDERED that Plaintiffs’ motion (D.I.

160) is GRANTED-IN- PART as follows: 1. Facts. On July 2, 2025, the court entered Memorandum Opinion, Order, and Judgment enforcing the parties’ settlement agreement. (D.I. 146; D.I. 147; D.I. 148) Plaintiffs then served writs of execution on the Judgment Debtors and sought discovery in aid of execution on the judgment. (D.I. 152; D.I. 153; D.I. 154; D.I. 155; D.I.

156) 2. On December 16, 2025, Plaintiffs served notices of deposition and notices for the production of documents on the Judgment Debtors. (D.I. 157) The Judgment Debtors did not appear for deposition or produce any documents. (D.J. 169, Ex. 6) Plaintiffs now move to compel the Judgment Debtors to produce all responsive documents, sit for deposition, and reimburse Plaintiffs for court reporter costs incurred due to the Judgment Debtors’ nonappearances at their previously scheduled depositions.

(D.I. 169, Ex. 7) 3. Legal Standard. Under Federal Rule of Civil Procedure 69(a)(2), a judgment creditor “may obtain discovery from any person—including the judgment debtor—as provided by these rules or by the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(2). A judgment creditor may move to compel the judgment debtor’s compliance with post- judgment discovery requests under Rule 37.

Davis v. Erigere Rapidus Sols. ERS, Inc., 2025 WL 2962482, at *2 (D.N.J. Oct. 20, 2025); see Hindman LLC v. Mihaly, 2023 WL 7735543, at *2 (S.D.N.Y. Nov. 15, 2023). Rule 37(b) states that if “a party or a party’s officer, director, or managing agent... fails to obey an order to provide

or permit discovery,” the court may issue further orders including “treating as contempt of court the failure to obey any order.” Fed.

R. Civ. P. 37(b)(2)(A); Fed. R. Civ. P. 38(b)(2)(A)(vi). Such orders may include requiring the disobedient party to pay the unreasonable expenses caused by the failure to provide discovery. Fed. R. Civ. P. 37(b)(2)(C). 4. Analysis. Plaintiffs have demonstrated good faith attempts to obtain the requested discovery by serving the discovery notices on counsel and emailing and mailing them to the Judgment Debtors.

(D.I. 169, Exs. 2-5) The Judgment Debtors did not oppose or otherwise respond to the motion to compel. Consequently, Plaintiffs’ motion to compel is GRANTED. 5. Conclusion. For the foregoing reasons, Plaintiffs’ motion to compel is - GRANTED-IN-PART as follows: a. On or before April 2, 2026, the Judgment Debtors shall produce all responsive documents requested in Plaintiffs’ December 16, 2025 deposition notices; b. On or before April 16, 2026, the Judgment Debtors shall appear without objection for oral deposition on a mutually agreed date; c. Plaintiffs’ request for reimbursement of \$900 in certified shorthand reporter costs incurred due to the Judgment Debtors’ nonappearances at deposition is DENIED without prejudice; d. The Judgment Debtors are hereby warned that failure to comply with this Memorandum Order may result in the Judgment Debtors being held in contempt and/or other sanctions being imposed to enforce the terms of this Memorandum Order; and e. Counsel for the Judgment Debtors shall serve a copy of this Memorandum Order on the Judgment Debtors and any individuals purporting to represent the Judgment Debtors at their last known email and mailing addresses based on the most current information in counsel’s possession.

Counsel shall file a certificate of service confirming same on or before March 26, 2026. a \UD_) Sherry R. mas United States Magi8trate Judge