

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 05-16823)
)
PAMELA S. LEE)
)
Debtor)
)
)
MARK A. WARSCO, TRUSTEE)
)
Plaintiff)
)
vs.) PROC. NO. 06-1370
)
PAMELA S. LEE)
)
Defendant)
)
KINDRED HEALTH CARE)
)
Garnishee Defendant)
)

DECISION AND ORDER

At Fort Wayne, Indiana on August 16, 2007.

The trustee obtained a money judgment against the defendant on December 15, 2006. In order to enforce that judgement a garnishment order has been issued to the defendant's employer, Kindred Health Care. On August 8, 2007, the plaintiff filed a motion requesting a hearing at which Kindred Health Care would appear and show cause why it should not be held in contempt of court due to the alleged failure to comply with the garnishment order. The court notes, however, that both prior to and following the filing of the plaintiff's motion, the garnishee defendant has been remitting money to the clerk of this court. In particular, on July 13, 2007, the clerk received \$267.77, on July 27, 2007, the clerk received \$137.36 and then on August 10, 2007, it received the sum of \$98.23.

In light of this it appears that the garnishee defendant may very well be complying with the court's order and, absent more specific allegations concerning nature of the non-compliance the trustee views as being contemptuous, the court is reluctant to set the matter for a hearing.

Plaintiff's motion for a show cause hearing is therefore DENIED, without prejudice to a subsequent motion, which should more specifically allege, or contain a more definite statement concerning, the precise nature of the garnishee defendant's failing that the trustee contends should result in a finding of contempt.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court