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JUL 18 2024

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re:

CLARK WARREN BAKER,

Case No.: 2:15-bk-20351-BB

Chapter: 7

Adversary No.: 2:15-ap-01535-BB

Debtor(s),

JAMES MURTAGH, M.D.,

Plaintiff(s),

Vs.

CLARK WARREN BAKER,

Defendant(s).

**ORDER AFTER JULY 10, 2024
HEARING ON ORDER TO SHOW
CAUSE RE CONTEMPT**

Date: July 10, 2024

Time: 10:00 AM

Location: Courtroom 1539

On July 10, 2024, the Court held a continued hearing on its December 22, 2022 “Order to Show Cause re Contempt” (the “OSC”) [Docket No. 939], relating to Baker’s compliance with the Court’s February 17, 2022 Default Judgment and Permanent Injunction (the “Injunction”) [Docket No. 867]. Defendant Clark Warren Baker and his attorney, Jessica

Ponce, appeared remotely by video conference at the hearing. Other appearances were as noted in the record at the time of hearing.

Having previously found that Baker had failed to comply in various respects with the requirements of the Injunction, the Court issued the OSC in December of 2022. Thereafter, the Court conducted numerous hearings and entered a series of orders (collectively, the “Interim Orders”), including without limitation the following, requiring defendant Clark Warren Baker (“Baker”) to file declarations providing additional information and to produce various documents for the purpose of purging his contempt of the Injunction:

1. its March 25, 2023 “Interim Order re Contempt Sanctions against Clark Baker” (the “First Interim Order”) [Docket No. 975] (which was modified and corrected by this Court’s March 28, 2023 “Order Modifying and Correcting Interim Order re Contempt Sanctions Against Clark Baker” [Docket No. 977]);
2. its November 22, 2023 “Second Interim Order re Contempt Sanctions Against Clark Baker” (the “Second Interim Order”) [Docket No. 1045]; and
3. its April 25, 2024 “Third Interim Order re Contempt Sanctions Against Clark Baker” (the “Third Interim Order”) [Docket No. 1087].

In response to the Interim Orders, Baker filed a series of declarations, including without limitation the following, and produced a limited number of documents as attachments to those declarations:

1. “Defendant Clark Baker’s Supplemental Declaration in Response to OSC re Contempt” [Docket No. 948] filed January 25, 2023;
2. “Defendant Clark Baker’s Declaration in Response to Court’s Interim Order and Order Modifying and Correcting Interim Order” [Docket No. 979] filed April 21, 2023;
3. “Defendant Clark Baker’s Declaration in Response to Item 2.c.i. of Page 5-6 of Order of March 22, 2023 for C. Baker to Aver Compliance” [Docket No. 990] filed May 5, 2023;
4. “Defendant Clark Baker’s Supplemental Declaration in Response to Court’s Order of Nov. 22, 2023” [Docket No. 1065] filed December 28, 2023;
5. “Fourth Baker Compliance Declaration” [Docket No. 1098] filed May 15, 2024;

- 1 6. "Supplement to Fourth Baker Compliance Declaration" [Docket No. 1101] filed June
- 2 6, 2024; and
- 3 7. "Declaration of Clark Baker in Response to Proposed Order (Dkt. #1103) and
- 4 Supplemental Brief (Dkt. #1102)" [Docket No. 1104] filed July 15, 2024 (the "July
- 5 2024 Baker Declaration").

6 The Court, having reviewed and considered (a) the requirements that the Interim Orders
7 established for Baker to purge his contempt of the Injunction; (b) the extent to which Baker has
8 fulfilled these requirements; (c) all of the memoranda, declarations and other documents filed
9 by the parties in the above adversary proceeding (the "Action") with regard to Baker's attempts
10 to purge his contempt; (d) the oral argument of counsel at the time of the numerous hearings
11 on this matter; (e) the proposed form of order lodged by plaintiff in the Action in advance of the
12 July 10, 2024 hearing on the OSC; (f) Baker's objections to the form of that proposed order;
13 and (g) the Court's records and files in the Action; hereby makes the following findings:

- 14 1. In its First Interim Order (as modified and corrected by Docket No. 977]), the Court
- 15 held Baker in contempt for willfully violating the February 17, 2022 Injunction by
- 16 doing all of the following:
 - 17 a. Continuing to own, administer or maintain online properties such as websites,
 - 18 blogs, or domain names that refer to Dr. Murtagh (paragraph 2¹);
 - 19 b. Maintaining or retaining websites or online storage sites that contain content
 - 20 and/or host documents concerning Dr. Murtagh (paragraph 5);
 - 21 c. Failing to purge from the internet content that he controls referring to or
 - 22 mentioning Dr. Murtagh (paragraph 6);
 - 23 d. Failing to ensure that Baker's content about Murtagh was "deindexed" from
 - 24 internet search engines (paragraph 7);
 - 25 e. Failing to transfer to Dr. Murtagh within 10 days of the entry of the Injunction
 - 26 domain names and websites referencing Dr. Murtagh (paragraph 8);
- 27
- 28

¹ The paragraph numbers in these sub-indented paragraphs refer to paragraph numbers in the Injunction.

- f. Failing to notify the Court and Dr. Murtagh within 10 days after the entry of the Injunction if he was unable to comply with any of the above directives (paragraph 9); and
 - g. Failing to copy Dr. Murtagh's counsel on any third-party communications made in an effort to comply with the directives contained in the Injunction (paragraph 13);
2. Although Baker complied with certain of the directives outlined in the Interim Orders in the various declarations he submitted in response to these orders, as of the July 10, 2024 hearing, a number of deficiencies remained (as outlined in detail below).
3. The July 2024 Baker Declaration does not address any of the remaining deficiencies identified by the Court at the July 10, 2024 hearing on the OSC and does not attach any of the exhibits that the declaration represents are attached to that document;
4. In the July 2024 Baker Declaration, in response to the prompt, "How does Baker know that he deleted these files on October 20, 2016," Baker states that he has "no independent recollection of the searches and deletions I performed eight years ago;" however, Baker first submitted a declaration swearing under penalty of perjury that he had deleted the files in question on October 20, 2016 **in a declaration that he filed on May 5, 2023** [Docket No. 990] – a little over a year ago. How did Baker know that that deletion had occurred on October 20, 2016 in May of 2023? The Court has repeatedly requested more information about the steps that Baker took in an effort to ensure that he had complied with the Injunction (or the documents or electronic records that he looked at to determine that the deletion occurred on this date) and has given Baker multiple opportunities to describe the process he used to ensure compliance or to determine that deletion occurred on this date, but cannot obtain anything remotely resembling an answer to this question.
5. Baker was advised in the First Interim Order [p. 7 at par. 3] that, if he failed to purge his contempt in the manner described by that order, or if the Court determined that any of the information contained in his compliance declarations was materially incomplete or false, or both, the Court would prepare a report and recommendation

- 1 to the District Court in which it recommended to the District Court that it withdraw the
2 reference of the Action to the extent necessary to hold Baker in criminal contempt
3 and direct that he be incarcerated for a period of not less than one year. Similar
4 warnings/reminders were contained in the Second Interim Order [Docket 1045, p. 3
5 at lines 17-23] and the Third Interim Order [Docket No. 1087, p. 3 at lines 10-16].
- 6 6. Baker has had more than ample time and opportunity to provide the information and
7 documentation necessary to purge his contempt of the Injunction and has failed to
8 do as described in more detail below.

9
10 In light of the foregoing, **IT IS HEREBY ORDERED** as follows:

- 11 1. Baker has failed to purge his contempt of the Injunction in at least the following
12 respects:
- 13 a. He has failed to provide a full, complete and truthful explanation of all
14 information, documents and any other grounds upon which he relied when
15 he represented that he had deleted numerous files on October 20, 2016.
- 16 i. In his May 5, 2023 declaration [Docket No. 990], Baker testified 292
17 times that he had “closed, terminated or last used or accessed” a
18 particular document or internet property on October 20, 2016.
19 When directed in the Second Interim Order and Third Interim Order
20 to explain this testimony by, among other things, advising the Court
21 how he knows that he deleted these files on October 20, 2016 –
22 what specific documents, entries or other records or documents he
23 saw that reflected this date, Baker has failed to supply an answer to
24 this question.
- 25 ii. Instead, Baker testified in his May 15, 2024 declaration that he
26 never said he deleted files on this date and that this date was first
27 mentioned in the Court’s November 6, 2023 Tentative Ruling. (See
28 Docket No. 1098, p. 2 at pars. 4(a) and (c) (“The October 20, 2016
date is first mentioned in the Court’s November 6, 2023 Tentative

1 Ruling. It is repeated in the subsequent Second Interim Order and
2 Third Interim Order. . . . To be clear, Baker does not reference
3 October 20, 2016 in either declaration or in any previous
4 declaration.”) Baker’s testimony in this declaration is false and
5 demonstrates, at a minimum, that Baker does not take the time
6 necessary to verify the accuracy of his statements before swearing
7 to them under penalty of perjury in a declaration.

8 iii. In the July 2024 Baker Declaration, on page 18, Baker offers the
9 following additional response to the prompt, “How does Baker know
10 that he deleted these files on October 20, 2016?”: “I have no
11 independent recollection of the searches and deletions I performed
12 eight years ago. I vaguely recall that i searched for files and
13 deleted them when I discovered them.” He adds in response to a
14 question that asked what documents, entries or other records or
15 documents he saw that reflected this date, “Because I have deleted
16 my files, I have no independent recollection of having deleted files
17 on 20 October 2016. I do, however, have a general recollection of
18 having deleted files in 2016.”

19 iv. None of this testimony explains how, in May of 2023, when Baker
20 signed docket number 990 under penalty of perjury, Baker knew
21 that he had deleted files on October 20, 2016. Did he invent this
22 date out of whole cloth or did he see this date on some document
23 that he has not identified? Or was there some other reason that he
24 selected or recalled this date when he prepared his May 2023
25 declaration and signed it under penalty of perjury? Baker never
26 tells us or makes any effort to describe what steps he took to arrive
27 at this date.

28 b. Baker has failed to provide a full, complete and truthful explanation of all
information, documents and any other grounds upon which Baker relied

1 when he testified in his May 2023 declaration [Docket No. 990] that he
2 conducted a diligent search on January 4, 2023 for files and other
3 materials that he was required to delete pursuant to the Injunction, as
4 required by the Third Interim Order.

5 i. In his May 2023 Declaration, Docket No. 990, Baker testifies 275
6 times that, “On or about January 4, 2023 Declarant conducted a
7 diligent search online and of his own computer and confirmed
8 deletion” of various materials.

9 ii. In response to the Third Interim Order, Baker filed his May 15, 2024
10 Fourth Compliance Declaration. On page 3 of that document, in
11 paragraph 5, Baker suggests that the Court must have gotten this
12 date wrong and must have been referring to April 20, 2023. (See
13 Fourth Compliance Declaration, Docket No. 1098 (“In case the
14 court is intending to reference April 20, 2023, to which Baker made
15 numerous references in the 4/21/2023 and 5/5/2023 declarations,
16 Baker responds as follows. Baker conducted diligent searches on
17 his computer and as further described below on and around April
18 20, 2023 in preparation for the declaration submitted April 21,
19 2023.”)).

20 iii. In the very next section of the Fourth Compliance Declaration,
21 Baker provides a few paragraphs describing how he went about
22 conducting the search referenced in the preceding section. He
23 includes the date January 4, 2023 as one of the dates in the
24 heading of that section, but it is clear from the text of paragraph 5 of
25 the declaration that he is not testifying that he actually did any of
26 this on January 4, 2023. As a result, Baker has never explained
27 what if anything he did on or about January 4, 2023. As with the
28 October 20 date, the question remains, did Baker invent this date
out of whole cloth or was there some reason that he recalled or

1 selected this date at the time he prepared his May 2023
2 declaration? Baker never tells us or makes any effort to describe
3 why he arrived at this date when he prepared his May 2023
4 declaration, again leaving the Court with the distinct impression that
5 he “plays fast and loose” with the facts that he puts in declarations
6 and does not make any effort to verify the accuracy of information
7 given to the Court, even when he swears to the accuracy of that
8 information under penalty of perjury.

9 iv. In the July 2024 Baker Declaration [Docket No. 1104] on page 18
10 in approximately the middle of the page, he responds to the prompt,
11 “(6) What steps did Baker take on January 4, 2023 as part of this
12 ‘diligent search?’” as follows: “I vaguely recall going through the
13 same process on or about January 2023.” He does not describe in
14 this declaration what he means by “the same process.” The
15 preceding paragraph says merely, “I vaguely recall that i searched
16 for files and deleted them when I discovered them.” That is hardly
17 a detailed explanation of the steps he took in performing this
18 “diligent search” and does not contain any information as to what
19 documents or information Baker looked at to determine that he
20 conducted this diligent search on January 4, 2023 or how he
21 remembered in May of 2023 that this “diligent search” had occurred
22 on or about January 4, 2023.

23 c. Baker has failed to provide a full, complete and truthful explanation of all
24 of the following, as required by the Third Interim Order: (1) how in
25 preparing his December 28, 2023 declaration he missed the fact that one
26 of his email accounts (jtdeshong@hotmail.com) contained information that
27 should have been deleted in response to the Injunction; (2) how and when
28 he discovered that this information still existed; and (3) what this newly-
discovered information was.

1 i. In his December 28, 2023 declaration [Docket No. 1065], Baker
2 certified under penalty of perjury that the Outlook email account
3 jtmarshonq@hotmail.com had not been used to host, store, maintain,
4 or communicate about any content relating to Dr. Murtagh in any
5 form, variation, or misspelling, including, without limitation, the use
6 of an moniker, such as 'goon,' 'mo,' 'shakedowndoc,' 'baddoc,' or
7 baddocjjm,' etc." (Docket No. 1065, p. 18 at lines 12–17.)

8 However, shortly after filing that declaration, Baker's counsel
9 advised opposing counsel (and confirmed on the record at a
10 January 9, 2024 hearing) that Baker had located emails from this
11 account that pertained to Dr. Murtagh.

12 ii. As a result, the Court found in the Third Interim Order that Baker's
13 certification that this email account did not contain any such
14 information was false (see Third Interim Order, p. 5 at pars. 7-8)
15 and ordered Baker to explain in a fourth compliance declaration
16 how this oversight occurred. Paragraph 9 of the Third Interim
17 Order requires Baker to include the following in the fourth Baker
18 compliance declaration:

- 19 1. The complete factual basis for such testimony [his testimony
20 that this email account does not include any communications
21 concerning Dr. Murtagh];
- 22 2. What steps did Baker take in connection with conducting a
23 diligent search and preparing his responses to the Second
24 Interim Order [his December 28, 2023 declaration], including
25 without limitation with respect to [the email address
26 jtmarshonq@hotmail.com]; and
- 27 3. Identification of the location and nature of documents and
28 communications that Baker subsequently located at the
above online property.

1 iii. Baker's Fourth Compliance Declaration [Docket No. 1098] fails to
2 provide the requested information and instead provides an
3 explanation that is demonstrably false.

4 iv. In the Fourth Compliance Declaration, on page 4 at paragraphs 9
5 through 12, Baker provides the following testimony:

6 9. Declarant was doing a final sweep of his email accounts
7 in preparation for submitting his Declaration in response to
8 the Third Interim Order.

9 10. On the eve of the deadline Declarant searched the email
10 address server hosting jtdeshong@hotmail.com and was
11 horrified to see emails regarding Kurtizky and Murtagh pop
12 up (as his recollection at that moment was that on the
13 previous check no such emails were there).

14 11. When I discovered the emails Declarant immediately
15 notified his attorney via email. Apparently in the final rush
16 just before the filing, she did not catch that final correction.
17 See the accompanying Declaration of Jessica Ponce.

18 12. Defendant had, in the meantime, signed and submitted
19 his Declaration in response to the Third Interim Order
20 without adjusting his responses to reflect the change.

21 v. This testimony cannot be accurate. The Third Interim Order was
22 not even entered until four months after the declaration containing
23 the relevant omission was filed. Therefore, Baker could not have
24 prepared his December 2023 declaration [Docket No. 1065] in
25 compliance with an order [Docket No. 1087] that did not yet exist.
26 Although it could certainly be that Baker was merely confused and
27 that he was preparing this declaration in response to the Second
28 Interim Order rather than the Third, this testimony once again
 underscores the fact that Baker apparently makes little if any effort

1 to ensure that his declarations are accurate when they are signed
2 and filed with the Court.

3 vi. After this inaccuracy was called to his attention, Baker filed the July
4 2024 Baker Declaration [Docket No. 1104], which contains more
5 false information (or information that reveals that his earlier
6 declaration was false). In his December 2023 declaration, Baker
7 testified that he found these offending emails “on the eve of the
8 deadline” for filing his declaration and promptly notified his attorney
9 and that she must have missed making this correction before filing
10 the declaration. In the July 2024 Baker Declaration, Baker states
11 that, “later, after submitting his declaration, he realized that the
12 declaration needed correction.” So, apparently, he signed and
13 “submitted” the declaration before conducting this alleged “final
14 sweep”?

15 vii. In any event, even if these inconsistencies can be harmonized,
16 Baker has never explained what steps he took *before* submitting his
17 December 2023 declaration to make sure that the representations
18 and certifications contained in that declaration were accurate, as
19 directed by the Third Interim Order. (He found these documents
20 while doing his “final sweep.” Were there other, earlier sweeps? If
21 so, what did those consist of? And, if not, why didn’t he make any
22 effort to ensure that his certification was correct *before* signing the
23 declaration?) And he does not provide a description of the location
24 and nature of the offending emails. He says merely that this email
25 address was copied on emails of Murtagh and his associates as
26
27
28

they acted against him and claims that these emails proved that the plaintiff pressured Kuritzky to change his testimony and lie.²

d. Baker has failed to provide plaintiff's counsel with copies of written communications (or to send emails describing oral communications) evidencing that Baker has complied with the Injunction by taking down websites, online storage sites and other online properties that contain disparaging information concerning the plaintiff.

i. Paragraph 13 of the Injunction (entered February 17, 2022) requires Baker to copy plaintiff's counsel with any written communication by Baker (or any agent or representative of Baker, or anyone acting on Baker's behalf), with any Third-Party Provider³ concerning any part of the Injunction. That same paragraph requires Baker to inform plaintiff's counsel by email of the substance of any verbal communication that Baker (or any agent or representative of Baker, or anyone acting on Baker's behalf) has with any Third-Party Provider concerning any aspect of the Injunction within 12 hours of any such verbal communication.

ii. In several instances in his compliance declarations, Baker referred to communications that fell within the scope of paragraph 13 of the Injunction, yet, with the exception of four documents attached to his June 6, 2024 declaration⁴ [Docket No. 1101], Baker has never supplied copies of any written communications concerning his

² The Court previously found that Baker (and not the plaintiff) had pressured Kuritzky (also known as David Bender) to sign a perjurious declaration and referred Baker to the U.S. Attorney's office for further investigation and possible criminal prosecution for witness tampering. A copy of this referral appears as docket no. 200 in the Action.

³ The Injunction defines the term, "Third-Party Providers," as referring collectively to third-parties providing services in connection with Baker's website, www.jamesmurtaghtmdtruth.com or any other of Baker's websites and other web content, including without limitation, Internet Service Providers (ISP), domain-name registrars, domain name registries, website or web hosting providers, web designers, search engine or ad-word providers, banks, or online payment platforms or services, and peer-to-peer payment platforms.

⁴ The four documents produced on June 6, 2024 were (1) an email from Bluehost dated June 14, 2023; (2) an email from Bluehost dated July 28, 2023; (3) a printout of a chat with Eliyas Mohammad (a representative of Bluehost) dated August 27, 2023; and (4) a printout of an online chat between Baker and Bluehost dated June 4-5, 2024.

1 compliance with the Injunction and has never sent plaintiff's
2 counsel an email describing any oral communications concerning
3 compliance. And Baker has never explained why he failed to
4 produce copies of documents dating back to June and July of 2023
5 to plaintiff's counsel until June 6, 2024.

6 iii. In the Third Interim Order, the Court specifically identified the
7 following references from Baker's December 28, 2023 declaration
8 that indicate or evidence the existence of a writing that should have
9 been produced and ordered him to produce these writings:

- 10 1. Proton email, 6 April 2022 between Baker and McNair
11 [Docket No. 1065, p. 28, n. 3];
- 12 2. In an effort to comply with court requests, Baker exchanged
13 emails with McNair in March 2022 [Id., pp. 27:25–28:1];
- 14 3. Shortly after my July/Aug 2023 depositions, I sent an email
15 and made numerous calls to [Carol] Dunn in an effort to
16 identify the company and individuals who removed my case
17 files. [Id., p. 31:16–17]; and
- 18 4. "Lloyd Interaction #1-112909429" reported to me that
19 "Michael" (No further info) had purchased the [omsj.org]
20 website and posted the pages hours after I closed my
21 account. [Id., p. 33:11–13].

22 iv. The Third Interim Order also directed Baker to include in the Fourth
23 Baker Compliance Declaration a "complete explanation as to why
24 Baker failed to copy Dr. Murtagh's counsel, or provide
25 contemporaneous copies, on all such communications." (Third
26 Interim Order at par. 17.)

27 v. Baker's May 15, 2024 declaration fails to comply with these
28 requirements. Instead, in this declaration, Baker offers testimony
which, if true, means that his prior testimony concerning the

1 existence of these documents was false. In his May 15, 2024
2 declaration, Baker represents that he cannot produce any of the
3 requested documents because “no such documents have ever
4 existed.” [Docket No. 1098, at par. 19.] Baker provides no
5 explanation as to why he previously testified that there were April
6 and March 2022 emails with McNair.

- 7 vi. With regard to the email that his December 28, 2023 declaration
8 states he sent to Carol Dunn, he offered the following testimony in
9 his May 15, 2024 declaration [Docket No. 1098, p. 6 at par. 20]:
10 “Declarant spoke with Carol Dunn on the telephone about
11 shredding documents approximately one year ago. Declarant
12 asked if there were receipts or documentation of the shredding and
13 she said no.” He neither mentions his prior testimony in which he
14 stated that he sent her an email nor offers any explanation as to
15 how or why his prior testimony was in error, if he now contends that
16 this is the case.
- 17 vii. In the July 2024 Baker Declaration [Docket No. 1104] on page 7,
18 Baker provides more detail about his conversations with Carol
19 Dunn, but now refers only to an email that Carol Dunn sent *to him*.
20 Absent from this declaration is any reference to the email that he
21 sent to her (once again without an explanation or discussion of the
22 inconsistency). These inconsistencies further exacerbate the
23 Court’s concern that Baker does not take seriously his obligation to
24 provide truthful testimony to the Court each and every time he
25 submits a declaration under penalty of perjury.
- 26 viii. In the July 2024 Baker Declaration [Docket No. 1104], Baker makes
27 reference to (A) communications with McNair [p. 4 at line 7], (B) the
28 results of a WhoIs search that Baker conducted on July 11, 2024
[pp. 4, 5, 6 & 9]; and (C) two documents that detail the nature of

certain cases in which Baker was involved [p. 11 at line 4] and represents that these documents are attached to the declaration. They are not; there were no exhibits to the July 2024 Baker Declaration.

ix. The whole purpose of the injunctive relief included in the Court's February 2022 judgment was to prevent Baker from resuming his internet defamation campaign against the plaintiff, which the Court found had resulted in actual compensatory damages to the plaintiff of more than \$10,000,000. Toward this end, paragraph 6 of the Injunction requires Baker to "Take all necessary steps to purge and eliminate from the internet any and all traces of any websites . . . , webpages, files, court filings, exhibits or other attachment thereto . . . which is about, refers to, references or mentions Dr. James Murtagh, M.D. in any form, variation or misspelling " Baker was ordered by this same paragraph to complete all of these steps within 10 days after issuance of the Injunction. The provisions of paragraph 13 of the Injunction required Baker to copy plaintiff's counsel on communications with Third-Party Providers so that plaintiff's counsel could verify that Baker had in fact complied with the Injunction.

2. The Injunction was entered more than two years ago and, only through the diligent efforts of plaintiff's counsel has any compliance with the Injunction been obtained.⁵ Baker took no steps to comply with the Injunction until plaintiff moved for the entry of an order why he should not be held in contempt for failing to comply with the Injunction. And, at every step in the process, Baker has made at

⁵ When plaintiff's counsel first contacted Baker's counsel in May 2022 to note several violations of the Injunction, she responded (although she had attended the hearings at which provisions of the Injunction were discussed, negotiated and revised and had been served with an entered copy of the Injunction) that she was "shocked that there are provisions which require affirmative action by my client." (See Exhibit "G" to the Declaration of Derek Linke filed in support of "Plaintiff James Murtagh M.D.'s Notice of Motion and Motion for Issuance of an Order to Show Cause Why Defendant Clark Baker Should Not be Held in Contempt of Court" [Docket No. 935].)

best only half-hearted attempts to supply the information and documentation that the Court has requested, with apparently little if any regard for the accuracy of whatever testimony he provides in his compliance declarations. As a result, Baker has caused the plaintiff and this Court to expend inordinate amounts of time and effort in a largely fruitless effort that, in this Court's view, might best be described as "trying to nail Jello to the wall." This process needs to come to an end. As Baker claims to be judgment proof and has failed to pay hundreds of thousands of dollars in compensatory sanctions that the Court has already imposed, and this Court's prior efforts to induce compliance with its orders through the use of its civil contempt powers have not led to a notable improvement in Baker's behavior, the Court believes that the time has come for it to request that the District Court employ its criminal contempt powers in this Action. There needs to be a consequence for failing to comply with court orders and "playing fast and loose" with the truth in submitting declarations under penalty of perjury to a court of law.

3. In light of the foregoing, the Court will prepare a Report and Recommendation to the District Court recommending that it withdraw the reference of this adversary proceeding to the extent necessary to hold Baker in criminal contempt and direct that he be incarcerated for a period of not less than one year.

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Date: July 18, 2024



Sheri Bluebond
United States Bankruptcy Judge