

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:07-cv-01248**

Toyota Motor Credit Corporation v. Palma et al
Assigned to: Judge Jane J Boyle
Cause: 28:2201 Declaratory Judgment

Date Filed: 07/13/2007
Jury Demand: None
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Federal Question

Plaintiff

Toyota Motor Credit Corporation

represented by **W Edward Walton**
Barron Newburger Sinsley & Wier
101 Metro Dr
Suite A
Terrell, TX 75160
972/499-4833
Fax: 972/563-1598
Email: edwalton@renfromail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Michael Palma

represented by **Jacquelyn R Carpenter**
Davis & Associates PLLC
1314 Texas Avenue Ste 608
Houston, TX 77002
713-227-2727
Fax: 713-227-2827
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Paul Gamblin**

represented by **Paul Gamblin**
 13102 Bexhill Drive
 Houston, TX 77065
 PRO SE

Defendant**Daniel Swank**

represented by **Daniel Swank**
 PO Box 855
 Huffman, TX 77336
 PRO SE

Date Filed	#	Docket Text
07/13/2007	<u>1</u>	COMPLAINT against Michael Palma, Paul Gamblin, Daniel Swank filed by Toyota Motor Credit Corporation. (Filing fee \$350; Receipt number 13173) (klm) (Entered: 07/13/2007)
07/13/2007		***Magistrate Judge Stickney chosen by random selection to handle matters that may be referred in this case. (klm) (Entered: 07/13/2007)
07/13/2007	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS by Toyota Motor Credit Corporation. (klm) (Entered: 07/13/2007)
07/13/2007	<u>3</u>	Summons Issued as to Michael Palma, Paul Gamblin, Daniel Swank. (klm) (Entered: 07/13/2007)
07/13/2007	<u>4</u>	Order Designating Case for ECF - see order for specifics. (Signed by Judge Jane J Boyle on 7/13/07) (klm) (Entered: 07/13/2007)
07/30/2007	<u>5</u>	AFFIDAVIT of Truth by Daniel Swank. (bss) (Entered: 07/30/2007)
07/30/2007	<u>6</u>	AFFIDAVIT of Truth by Michael Palma. (bss) (Entered: 07/30/2007)
07/30/2007	<u>7</u>	AFFIDAVIT of Truth by Paul Gamblin. (mfw) (Entered: 07/30/2007)
08/09/2007	<u>8</u>	AFFIDAVIT of Truth and Notice of Non Response by Michael Palma. (bss) (Entered: 08/09/2007)
08/10/2007	<u>9</u>	STATUS REPORT ORDER: Status Report due by 8/29/2007. (Signed by Judge Jane J Boyle on 08/10/07) (psm) (Entered: 08/10/2007)

08/10/2007	10	AFFIDAVIT of Truth and Notice of Non Response by Daniel Swank. (mfw) (Entered: 08/10/2007)
08/13/2007	11	AFFIDAVIT of Truth and Notice of Non Response filed by Paul Gamblin. (bss) Modified on 8/15/2007 (mfw). (Entered: 08/13/2007)
08/20/2007	13	RESPONSE filed by Michael Palma re 9 Status Report Order. (twd) (Entered: 08/21/2007)
08/20/2007	14	RESPONSE filed by Paul Gamblin re 9 Status Report Order. (twd) (Entered: 08/21/2007)
08/20/2007	15	RESPONSE filed by Daniel Swank re 9 Status Report Order. (twd) (Entered: 08/21/2007)
08/21/2007	12	STATUS REPORT by Toyota Motor Credit Corporation. (Walton, W) (Entered: 08/21/2007)
08/30/2007	16	ORDER: Scheduling Conference set for 9/11/2007 at 2:00 PM in Courtroom 1306 before Judge Jane J Boyle. (Signed by Judge Jane J Boyle on 08/30/07) (psm) (Entered: 08/30/2007)
09/11/2007		Minute Entry for proceedings held before Judge Jane J Boyle : Status Conference held on 09/11/07. (Court Reporter Shawnie Archuleta.) Time in Court: 06 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (psm) (Entered: 09/11/2007)
09/14/2007	17	SANCTIONS ORDER AGAINST THE DEFENDANTS FOR FAILING TO COOPERATE IN THIS LITIGATION. The Court ORDERS the Defendants to respond to the discovery requests in writing. Defendants must deliver these responses on or before Friday, September 28, 2007. It is Further ORDERED that the Defendants deliver their payment of Walton's attorney's fees of \$875 and their responses to the discovery instruments to Waltons office on or before Friday, September 28, 2007. Scheduling Conference set for 10/3/2007 before Judge Jane J Boyle. (see order for specifics) (Signed by Judge Jane J Boyle on 9/14/2007) (axm) (Entered: 09/14/2007)
09/24/2007	18	Certified Mail Executed on 09/21/2007 as to Daniel Swank re: 17 Sanctions Order Against the Defendants for Failing to Cooperate in this Litigation. (axm) (Entered: 09/24/2007)

10/03/2007		Minute Entry for proceedings held before Judge Jane J Boyle : Hearing held on 10/03/07. (Court Reporter Shawnie Archuleta.) Time in Court: 15 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (psm) (Entered: 10/03/2007)
10/09/2007	21	Certified Mail Executed as to Paul Gamblin on 9/22/2007 re: 17 Order. (mfw) (Entered: 10/09/2007)
10/15/2007	22	Mail Returned as Undeliverable. 17 Order received back from Michael Palma as unclaimed--unable to forward. (npk) (Entered: 10/15/2007)
11/06/2007	24	Correspondence requesting that enclosed bond/note satisfy charges, fines, penalties, contempts and order by Paul Gamblin. (lmp) (Entered: 11/07/2007)
11/07/2007		Minute Entry for proceedings held before Judge Jane J Boyle : Hearing held on 11/06/07. (Court Reporter Shawn McRoberts.) Time in Court: 50 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (psm) (Entered: 11/07/2007)
11/13/2007	25	Certified Mail Executed on 11/13/07 as to Paul Gamblin re: 24 Notice (Other). (lmp) (Entered: 11/14/2007)
11/13/2007	26	Rule 5 Documents received from the Southern District of Texas re: Michael Palma. (lmp) (Entered: 11/14/2007)
11/15/2007		Minute Entry for proceedings held before Judge Jane J Boyle : Hearing held on 11/15/07. Defendant remanded to custody as he did not purge himself of contempt charge. Hearing will reconvene at a later time. Attorney Appearances: Plaintiff - W. Edward Walton; Defendant - Jacquelyn R. Carpenter. Def's attorney, Jacquelyn R. Carpenter filed a motion in court to appear pro hac vice and Judge Boyle granted the motion in open court. Order to follow. (Court Reporter Shawnie Archuleta.) Time in Court: 15 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (psm) Modified on 11/21/2007 (Munroe, Peggy). (Entered: 11/15/2007)
11/16/2007	27	ORDER SETTING HEARING: A hearing on the contempt charges for Michael Palma is set for Tuesday, November 20, 2007, at 3:00 p.m. (Signed by Judge Jane J Boyle on 11/16/07) (psm) (Entered: 11/16/2007)

11/16/2007	28	ORDER: On November 6, 2007 the defendant, Paul Gamblin was brought before the Court after being arrested pursuant to the orders of the Court. It is therefore Ordered that Defendant, Paul Gamblin, has partially purged himself of contempt by paying his proportionate share of attorney's fees ordered by this Court to be paid. (see order for specifics) (Signed by Judge Jane J Boyle on 11/16/07) (Imp) (Entered: 11/19/2007)
11/19/2007	29	ORDER: On November 15, 2007, Defendant Michael Palma was brought before the Court after being arrested pursuant to the orders of the Court. Accordingly, the Court remanded Palma to custody until he has completed the Plaintiff's discovery requests. At that time, the Court will hold another hearing on this matter. (Signed by Judge Jane J Boyle on 11/19/2007) (tln) (Entered: 11/20/2007)
11/20/2007		Minute Entry for proceedings held before Judge Jane J Boyle : Hearing held on 11/20/2007. Defendant remanded to custody as he did not purge himself of contempt charge. Attorney Appearances: Plaintiff - W. Edward Walton; Defense - Jacquelyn R Carpenter. (Court Reporter Shawnie Archuleta.) Time in Court: 22 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (psm) (Entered: 11/20/2007)
11/20/2007	30	Responses to Plaintiff's First Discovery Instrument to Michael Palma filed by Michael Palma. (Imp) (Entered: 11/21/2007)
11/20/2007	31	MOTION for Admission Pro Hac Vice by Michael Palma. (skt) (Entered: 11/26/2007)
11/26/2007	32	ORDER granting 31 Motion for Admission Pro Hac Vice. Jacquelyn R. Carpenter is ORDERED to pay the \$25.00 filing fee to the Clerk of Court. Upon receipt of the filing fee, the Clerk of Court shall deposit it to the account of the Non-Appropriated Fund of this Court. (Signed by Judge Jane J Boyle on 11/26/2007) (axm) (Entered: 11/26/2007)
11/26/2007	33	Memorandum Order: The issue of Palma's Fifth Amendment privilege against self incrimination is REFERRED to United States Magistrate Judge Paul D. Stickney for a hearing. (see order for specifics) (Signed by Judge Jane J Boyle on 11/26/2007) (tln) (Entered: 11/26/2007)
11/30/2007	34	NOTICE No Federal Jurisdiction in Texas State by Daniel Swank (mfw) (Entered: 12/03/2007)

12/04/2007	35	ORDER: Set/Reset Deadlines as to the issue of Defendant Michael Palma's Fifth Amendment Privilege against self incrimination... Hearing set for 12/7/2007 02:00 PM before Magistrate Judge Paul D Stickney. (Signed by Judge Paul D Stickney on 12/4/07) (grj) (Entered: 12/04/2007)
12/07/2007		Minute Entry for proceedings held before Judge Paul D Stickney : Hearing held on 12/7/07. The Court overrules the Michael Palma's Fifth Amendment privilege on the production of documents. He is ordered to produce documents within 10 days of this date. Defendant released from custody. Attorney Appearances: Plaintiff - W. Edward Walton; Defense - Jacquelyn R. Carpenter. (Court Reporter Electronic.) Time in Court: 15 Min. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (grj) (Entered: 12/07/2007)
12/10/2007	36	ORDER: The District Court referred the issue of Defendant Michael Palma's Fifth Amendment Privilege against self incrimination to the United States Magistrate Judge for a hearing. The Court held a hearing and finds the Defendant, Mr. Palma, has properly pled his rights under the 5th Amendment, albeit late, to the Interrogatories. However, he does not have the right to assert the 5th Amendment to the Requests for Production, as propounded. Therefore, the Court orders him to answer properly Requests for Production Nos. 1-12 within ten days of today's date. (see order for specifics) (Signed by Judge Paul D Stickney on 12/10/07) (lmp) (Entered: 12/11/2007)
02/01/2008		Minute Entry for proceedings held before Judge Jane J Boyle: Hearing held on 02/01/08. Daniel Swank ordered to pay sanctions before release from custody. (Court Reporter Shawnie Archuleta.) Time in Court: 15 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (psm) (Entered: 02/01/2008)
02/04/2008	37	ORDER: Swank was unable to show cause why he should not be held in civil contempt for the reasons stated in previous orders of this Court, and, accordingly, is held in civil contempt of this Court. (see order for specifics) (Signed by Judge Jane J Boyle on 2/4/08) (klm) (Entered: 02/04/2008)
02/12/2008	38	WARRANT Returned Executed as to Daniel Swank on 01/11/08. (lmp) (Entered: 02/13/2008)

02/19/2008	39	ORDER: In order to purge the contempt, the Court required Swank to pay Plaintiff's attorney \$300 and respond to Plaintiff's discovery requests. The Court has been notified that Swank has paid Plaintiff's attorney \$300. In addition, the Court has received Swank's responses to the discovery requests, which will be filed with this Order. Having found that Swank has purged his contempt, the Court ORDERS him RELEASED from custody. (Signed by Judge Jane J Boyle on 2/19/08) (tln) (Entered: 02/19/2008)
02/19/2008	40	First Discovery Instrument to Daniel Swank. (svc) (Entered: 02/20/2008)
