

PREPARED BY THE COURT:

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> JOSEPH WALLACE and LAURA WALLACE,  <p style="text-align: center;">Defendants.</p>	: SUPERIOR COURT OF NEW JERSEY : CHANCERY DIVISION : SUSSEX COUNTY : : : : DOCKET NO. SSX-C-7-19 : : : CIVIL ACTION : : ORDER
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FILED

AUG 22 2019

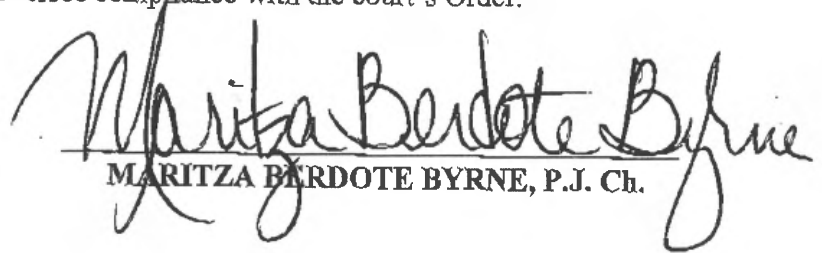
Maritza Berdote Byrne, P.J.Ch.

THIS MATTER comes before the court by way of motions filed by Jeffrey M. Patti, Esq., counsel for defendant Joseph Wallace, and opposition and cross-motion filed by Kevin J. Fleming, Esq., counsel for plaintiff State of New Jersey, Department of Environmental Protection ("NJDEP"), and no opposition filed by defendant Laura Wallace, *pro se*, and the court having read and considered the pleadings filed, and for the reasons set forth in the attached statement of reasons, and for good cause shown;

IT IS ON THIS 22<sup>nd</sup> DAY OF AUGUST 2019 ORDERED as follows:

1. Defendant Joseph Wallace's request to vacate the court's June 3, 2019 Order is **DENIED without prejudice.**
2. Defendant Joseph Wallace's request to stay the preliminary restraints entered by the court and any further proceedings in this matter pending the outcome of municipal court proceedings is **DENIED without prejudice.**

3. Plaintiff's request to compel defendant Joseph Wallace to immediately comply with all aspects of the court's June 3, 2019 Order is **GRANTED**. Continued non-compliance with court Orders may result in the imposition of sanctions against defendants or the appointment of a special agent to oversee compliance with the court's Order.

  
MARITZA BERDOTE BYRNE, P.J. Ch.

**Statement of Reasons**

SSX-C-7-19

State of New Jersey, Department of Environmental Protection v. Wallace et al.

This action involves a dispute between plaintiff, the State of New Jersey, Department of Environmental Protection ("NJDEP"), and defendant Joseph Wallace ("J. Wallace") and defendant Laura Wallace ("L. Wallace") (collectively "defendants"), owners of real property located at Block 130, Lot 1.05, commonly known as 3 Silver Spruce Drive, Vernon Township, Sussex County, New Jersey (the "property"). Plaintiff filed a Complaint and Order to Show Cause on February 22, 2019 alleging defendants continue to operate an unpermitted solid waste management facility on their property in violation of the Solid Waste Management Act ("SWMA") and requesting the court compel defendants to: (i) immediately cease receiving fill and solid waste material on the property; (ii) immediately provide NJDEP access to the property to perform necessary inspections and sampling of the property; (iii) within ten days, provide NJDEP with documentation of potential solid waste on the property; (iv) within thirty days, characterize all fill material on the property to determine if it meets the definition of solid waste and provide NJDEP an estimate for the cost of removal; (v) within forty-five days, place sufficient funds in an escrow or trust account to guarantee removal of the solid waste from the property, and (vi) within ninety days, remove and properly dispose of all solid waste. Complaint, Count One.

On March 1, 2019, the court denied plaintiff's request for entry of an Order to Show Cause based on plaintiff's failure to prove by clear and convincing evidence it would succeed on the merits of its claims. However, the parties entered into a consent Order consenting to entry of paragraphs a, b, and e of the Order to Show Cause, compelling defendants Joseph Wallace and Laura Wallace to act as follows:

- (a) Immediately cease receiving any and all fill material and/or solid waste onto the property at Block 130, Lot 1.05, also known as 3 Silver Spruce Drive, Vernon, New Jersey (the "site");
- (b) Immediately provide access to NJDEP and/or individuals on behalf of the Department to delineate the area of disturbance and extent of the fill material brought onto the site, to perform any sampling of the material on site, and/or perform any other inspections of the property as the Department deems necessary to determine compliance with the SWMA, the Water Pollution Control Act, and the Highlands Water Protection and Planning Act;
- (e) Within thirty (30) days of this order, provide NJDEP with full and complete documentation setting forth the source and nature of the material brought onto the site since 2009, including but not limited to all analytical results, receipts, bills of lading, and identification of all transporting haulers.

On May 24, 2019, defendants submitted documents to plaintiff in an attempt to comply with paragraph (e) above.

On April 8, 2019, NJDEP renewed its application for entry of all provisions included in its initial February 22, 2019 Order to Show Cause based on soil testing it performed on defendants' property on March 14, 2019 in accordance with the March 1, 2019 consent Order. On June 3, 2019, the court granted NJDEP's unopposed request for entry of a preliminary injunction as to all six prayers for relief in its February 22, 2019 Order to Show Cause. The June 3, 2019 Order further required defendants to provide NJDEP with full and complete documentation related the source and nature of the material brought onto the property site since 2009.

On June 24, 2019 and June 26, 2019 respectively, J. Wallace filed his two instant applications seeking: (1) to stay enforcement of the preliminary restraints entered by the court on June 3, 2019, as well as any further proceedings; and (2) to reconsider the court's June 3, 2019 Order. Plaintiff opposed these requests and filed a cross-motion seeking enforcement of litigant's rights with respect to the June 3, 2019 Order. L. Wallace did not join in or file opposition to J. Wallace's motions.

Stay and Reconsideration

J. Wallace (“defendant”) requests the court stay the preliminary restraints entered in this matter, as well as any further proceedings. Certification of Jeffrey M. Patti, Esq. dated June 26, 2019 (“Patti June 26 Cert.”) ¶ 21. Defendant also requests the court reconsider its June 3, 2019 Order.<sup>1</sup> Defendant states there are simultaneous cases pending against him in the Long Hill Municipal Court that “derive from the same set of facts and circumstances” as the instant action such that the proceedings in the Chancery Division must be stayed. Patti June 26 Cert. ¶ 6. Defendant states the status quo can be maintained during the pendency of the municipal court proceedings because he has abided by his promise to cease further delivery of soil and solid waste to the property. Patti June 26 Cert. ¶ 15. Defendant argues such a stay pending the outcome of the municipal proceedings is in the interest of justice and states the municipal proceedings will likely conclude by the end of July. Id. ¶ 19.

Defendant argues the court’s entry of a preliminary injunction was entered as a result of defendant invoking his Fifth Amendment right against self-incrimination. Patti June 26 Cert. ¶¶ 8, 9. Specifically, defendant states “[i]tems 5, 6, 7, and 8 in the June 3, 2019 Order have the appearance of finality” such that the court “appears to have made a final decision on this matter without anything presented from the defendant.” Id. ¶ 10. Defendant states compelling him to “interpose a defense” in this action would render his Fifth Amendment protection “meaningless.” Id. ¶ 11. Defendant’s counsel objects to the court’s decision to grant him an extension to file late opposition but not adjourn the return date of the return on the Order to Show Cause from May 30, 2019. Id. ¶¶ 12-13. Defendant’s counsel states a two-week extension of the hearing date would

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<sup>1</sup> Defendant filed two separate motions – a motion for a stay on June 24, 2019 and a motion for reconsideration on June 26, 2019. The certifications and legal briefs attached to these two motions are substantially similar such that the court considered them together in the context of this Order.

have provided him sufficient time to apply for a stay of these proceedings. Id. ¶ 13. Defendant states he requested a stay of the proceedings in a May 30, 2019 letter to the court but such request was not considered. Certification of Jeffrey M. Patti, Esq. dated June 24, 2019 (“Patti June 24 Cert.”) ¶ 13.

Defendant further presents arguments as to the merits of plaintiff’s claims. Defendant states NJDEP’s current action is suddenly seeking to “clean up a ‘mess’ it encouraged” for years. Patti June 26 Cert. ¶ 3. Defendant states he has cooperated with NJDEP in this action and voluntarily consented to allow soil testing. Id. ¶ 4. Defendant states NJDEP “has presented no evidence whatsoever” the alleged contaminants on its property present a public risk “other than deputy AG’s pronouncements.” Id. ¶ 16. Defendant states there were no tests submitted showing any contaminants leached into the groundwater, including no well tests from adjacent property owners or competent evidence from NJDEP that they performed the proper testing. Id. ¶ 16. Defendant attaches a report dated May 30, 2019 performed by Environmental Laboratories Services, LLC which he states demonstrates there is no contamination in his own well-water. Id. ¶ 17, ex. E. Defendant states the court erred by not considering this evidence or the statements included in his May 30, 2019 letter to the court related to DEP Commission McCabe and DEP Directors of Solid Waste Mike Hastry indicating “the current state of defendant’s property posed little to no risk to public health.” Patti June 24 Cert. ¶ 14.

Plaintiff opposes defendant’s requests for a stay of the Chancery Division proceedings or for reconsideration of the June 3, 2019 Order. Plaintiff’s Brief in Opposition to Defendants’ Motion and in Support of its Cross-Motion (“NJDEP Brief”). Plaintiff states defendant’s requests are both procedurally and substantively deficient. Id. Plaintiff states defendant’s motions are procedurally deficient as they raise issues that were known or previously discoverable prior to the

May 30, 2019 return on the Order to Show Cause. Id. at 1-2. Plaintiff also states defendant's Fifth Amendment arguments have been available "for the entire controversy" and defendants have not raised any new facts which would warrant reconsideration. Id. at 9. Specifically, plaintiff states defendant never actively invoked his Fifth Amendment right and instead failed to file a motion to stay or "file any opposition at all." Id. Plaintiff states the court properly considered "all of the evidence it properly had before it" in issuing its June 3, 2019 Order and defendant fails to present any new facts in this instant application that were previously undiscoverable. Id. at 10.

Plaintiff states the motions are substantively deficient as defendant's claim of Fifth Amendment protection lacks merit and defendant's requested relief is injurious to the public interest. NJDEP Brief at 2. Plaintiff cites State v. Kobrin Securities, Inc., 111 N.J. 307, 315 (1988) and states pursuant to the relevant Kobrin factors, defendant's Fifth Amendment rights "are not implicated here because of the lack of undue hardship for defendants, the different causes of action asserted by the state and the municipality, and the public interest in preventing a continuing injury to the environment." Id. at 11. Plaintiff further states defendant never properly asserted his right and therefore waived his right to request a stay when he participated in oral argument before the court on March 1, 2019. Id. Plaintiff states defendant's "blanket" assertion of the privilege is not appropriate pursuant to relevant case law. Id. at 12.

Plaintiff states the injunctive relief entered in this case also does not impede defendant's defenses in the municipal matter. Id. at 16. Plaintiff states the municipal court claims are not the same as the claims in the instant Chancery Division matter. NJDEP Brief at 17. Plaintiff states timely compliance with the court's June 3, 2019 Order "is of the essence" given the property's location in the environmentally-sensitive Highlands region and because compliance with the state's environmental statutes are per se in the public interest. Id. at 16-17. Specifically, plaintiff

states defendant's obligation to characterize the fill on its property, place sufficient funds in an escrow account to guarantee the illegal waste's removal, and implement a soil erosion and sediment control plan are demanded by considerations of the public interest. Id. at 18-19. Plaintiff states granting a stay "would risk further harm to the public" as "[r]emoval of the contamination in a timely manner is the only way to ensure that neighboring properties and the pristine nature of the Highlands are not further impacted." Id. at 19.

In their reply, defendant states he believes "there is a clear misunderstanding as to the anticipated breadth and/or finality of the court's June 2019 Order." Certification of Jeffrey M. Patti, Esq. dated July 22, 2019 ("Patti July 22 Cert.") ¶ 4. Defendant's counsel states he did not "recognize the potential for the 5<sup>th</sup> Amendment right against self-Incrimination waiver" until after he requested an extension of time to file his opposition on the return Order to Show Cause. Id. ¶ 5. Counsel states court staff indicated the court's June 3, 2019 Order was "temporary in nature" and there would be an opportunity "to cross-examine state witnesses and present defense witnesses at a final hearing." Id. ¶ 6. Counsel states he was further advised it was too late to request a stay of the May 30<sup>th</sup> proceedings and he should instead "make a formal application for stay of proceedings after the May 30<sup>th</sup> hearing was decided." Id. ¶ 7. Defendant states this provides good cause to reconsider the court's prior Order. Id. ¶ 9.

Motions for reconsideration are governed by R. 4:49-2 requiring "a motion for rehearing or reconsideration seeking to alter or amend a judgment or order . . . [to] state with specificity the basis on which it is made, including a statement of the matters or controlling decisions which counsel believes the court has overlooked or as to which it has erred." Reconsideration is a matter within the sound discretion of the court and is to be exercised "for good cause shown and in the service of the ultimate goal of substantial justice." Johnson v. Cyklop Strapping Corp., 220 N.J.



Super. 250, 257 (App. Div. 1987); see also, Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996).

Furthermore, a motion for reconsideration is not an opportunity for a second bite at the apple. It is not a mechanism for unhappy litigants to attempt once more to air their positions and re-litigate issues already decided. Cummings, 295 N.J. at 385. Reconsideration is within the court's discretion and is utilized only in that narrow corridor where the court's decision rests upon a palpably incorrect or irrational basis, or the court failed to appreciate the significance of probative, competent evidence. Id. Reconsideration is not a vehicle through which to raise new arguments or to simply reprise the initial motion. Guido v. Duane Morris LLP, 202 N.J. 79, 87 (2010) (citing Capital Fin. Co. of Del. Valley, Inc v. Asterbadi, 398 N.J. Super. 299, 310 (App. Div.), certif. denied, 195 N.J. 521 (2008)).

Defendant fails to present an adequate basis for reconsideration of the court's June 3, 2019 Order. Defendant relies on the court's failure to consider two pieces of evidence as his basis for reconsideration – (1) statements by DEP officials contained in defendants' May 30, 2019 letter to the court indicating “the property posed little to no risk to public health;” and (2) well-water test results performed on defendants' property and the accompanying report issued on May 30, 2019. See Patti June 24 Cert. ¶¶ 14-16, ex. E. Neither of these pieces of evidence were properly before the court at the time of its June 3, 2019 decision granting a preliminary injunction. Defendant is not entitled to reconsideration on the basis of evidence he had available and overlooked in his initial argument. See Morey v. Wildwood Crest Borough, 18 N.J. Tax 335, 341 (App. Div. 1999) (“When new information is provided on reconsideration, the court generally will hear this information when the new or additional information could not have been provided on the first application.”). “To validate such a practice would encourage attorneys to hold back evidence and

move for reconsideration on a regular basis in order to get a 'second bite at the apple' if their adversary prevailed on the initial motion." Fusco v. Board of Educ. of City of Newark, 349 N.J. Super. 455, 463 (App. Div. 2002). Here, defendant possessed the information he now seeks to present to the court when the court entered its initial Order such that defendant had the opportunity to present this information to the court via opposition on the return of the Order to Show Cause. In fact, the court granted defendant's request for an extension of time to file such opposition. Despite this extension, however, defendant failed to oppose plaintiff's application. Accordingly, defendant has failed to show the court's decision rested on palpably incorrect or irrational basis or that the court failed to appreciate probative, competent evidence sufficient to justify reconsideration. Defendant Joseph Wallace's request to vacate the court's June 3, 2019 Order is **DENIED without prejudice.**

Defendant J. Wallace also fails to present an adequate basis for a stay of the current Chancery Division proceedings. Defendant presents no justification for this court's inability to hold proceedings concurrent with the municipal court. Municipal courts have jurisdiction over cases that arise within the municipality or joint area they serve. N.J.S.A. § 2B:12-16. Their jurisdiction extends to the following noteworthy areas: violations of motor vehicle and traffic laws; violations of county or municipal ordinances; disorderly persons offenses, petty disorderly persons offenses, and other non-indictable offenses not reserved to the New Jersey Superior Court; violations of fish and game laws and laws regulating boating; and other proceedings designated by statute. State v. McCabe, 201 N.J. 34, 37 (2010). Municipal courts therefore hold only limited jurisdiction over specific matters; in this case, that includes defendant's alleged 95 violations of municipal ordinances. These ordinance violations do not impede the Superior Court's ability to enforce state environmental protections statutes and grant injunctive relief accordingly. Moreover,

defendant was aware of these municipal court proceedings at the time of the filing of plaintiff's Complaint and Order to Show Cause in this matter on February 22, 2019 and had ample opportunity since that time to request a stay.

Defendant's assertion of his Fifth Amendment right as a defense in this action equally lacks merit. Defendant states he is unable to respond in this civil action without incriminating himself in the pending municipal court criminal matters. "Generally, the question, regarding a civil action when the privilege against self-incrimination is present, should be whether [it] would impose undue hardship on a defendant and would thereby expose [the defendant] to unnecessary adverse consequences [in] exercising the constitutional privilege." State v. Kobrin Secur., Inc., 111 N.J. 307, 314 (1988). Two important considerations in this inquiry are "whether the civil proceeding seeks only a monetary recovery by against a defendant" and "whether the two actions are nearly identical in scope." Id. Specifically, "when relief is sought to prevent continued injury to the public . . . the civil proceedings should not be stayed except in the most unusual circumstances . . . [including when it] would expose a litigant to undue risk of losing the civil case or facing criminal prosecution." Id. The Supreme Court further notes "the fact that a [person] is indicted cannot give [the person] a blank check to block all civil litigation on the same or related underlying subject matter." Id.

The relevant inquiry pursuant to the Kobrin factors weigh against allowing defendant to assert his Fifth Amendment right in this civil action. Defendant would not experience any undue hardship or adverse consequences by responding in this matter. Defendant's response does not require him to admit guilt or otherwise incriminate himself, only to respond to plaintiff's allegations or alternatively request relief from the court. The court also does not find sufficient similarity of the civil Chancery Division action and the criminal municipal court actions. The

attached municipal complaints include charges related to violation of stop work orders, running business in a residential zone, and placement of soils without a permit. Patti June 26 Cert., ex. B. Each of these seek to sanction defendant for violation of municipal ordinances. The instant Chancery Division matter, however, seeks more than monetary sanctions and requests injunctive relief to halt defendant's actions and take remedial measures. Therefore, while the matters may be based on similar facts and violations by defendant, plaintiff's requested relief with respect to these violations is different. Moreover, plaintiff seeks relief related to the public interest and preservation of property located in the environmentally-protected Highlands area, requiring a heightened level of scrutiny. Defendant's extensive municipal complaints dating back to July 2018 illustrate his continued actions potentially in violation of state and local laws. It is important the court not allow defendant to use the multitude of municipal actions pending against him as a shield against the imposition of injunctive relief to stop his behavior.

Defendant Joseph Wallace's request to stay the preliminary restraints entered by the court and any further proceedings in this matter pending the outcome of municipal court proceedings stemming from the same facts and circumstances is **DENIED without prejudice**.

*Enforcement of Litigant's Rights*

Plaintiff requests the court "reiterate" to defendants the necessity to comply with the court's June 3, 2019 in a timely manner. NJDEP Brief at 20. Specifically, plaintiff requests defendants be compelled to comply with the requirements to provide documentation regarding the source and nature of the materials defendants brought onto their property. Id. Plaintiff states defendants entered into a consent Order on March 1, 2019 which included a provision for the production of such documents by April 1, 2019. Id. at 20. Plaintiff states defendants were further required to produce documents pursuant to the court's June 3, 2019 Order. Id. at 20-21. Plaintiff states

defendants stated on the record on March 1, 2019 they had “substantial documents” which would satisfy these production requirements. Id. at 21. Plaintiff states, however, defendants have not produced the full and complete documentation setting forth the source and nature of the material brought onto the site since 2009 as required. Id. Plaintiff states defendants’ only document production occurred on May 24, 2019 and was composed of: (1) analytics for two projects not connected to defendants’ property; and (2) receipts for a “mere fraction of the truckloads” of material brought to the property. Id., ex. D. Plaintiff states many of the receipts indicated waste had been improperly brought to the site after defendants entered into the March 1, 2019 consent Order, thereby demonstrating contumacious behavior. Id. Plaintiff states it is not seeking coercive or punitive relief at this time, only an Order requiring defendants to immediately comply with the June 3, 2019 Order, including the full and complete production of documents. Id. at 22.

Defendant J. Wallace (“defendant”) opposes plaintiff’s cross-motion to enforce litigant’s rights. Defendants’ Opposition to Plaintiff’s Cross-Motion (“Def. Opp.”). Defendant states “[p]laintiff is mistaken when it says [he has] not complied with this court’s [O]rder.” Certification of Joseph Wallace ¶ 3. Defendant states he provided plaintiff with a CD containing documents associated with an OPRA request, indicating “NJDEP has been in the possession of the contents of the CD for years while claiming I didn’t provide them information.” Id. ¶ 4. Defendant states plaintiff was also aware of material that came from the Wayne Costco site based on statements made by DEP director of solid waste enforcement, Mike Hastry, in a May 20, 2019 New Jersey Herald article. Id. ¶ 6, ex. C. Generally, defendant states the CDs and materials he attaches indicate the “NJDEP has been aware of the project on my property since as far back as 2014.” Id. ¶ 10. Defendant’s counsel also states he has provided plaintiff “everything in [his] possession applicable to this matter.” Patti July 22 Cert. ¶ 3.

A claim that a party is acting in violation of court Order should be brought before the court that issued that Order by a motion for relief in aid of litigants' rights under R. 1:10-3. Asbury Park Bd. of Educ. v. New Jersey Dep't of Educ., 369 N.J. Super. 481, 486 (App. Div. 2004). Before relief can be afforded, the court must be satisfied that the party had the capacity to comply with the Order and willfully refused. Pressler & Verniero, Current N.J. Court Rules, cmt. 4.3 on R. 1:10-3 (2019). Sanctions pursuant to R. 1:10-3 are not intended to be punitive but are a coercive measure to facilitate the enforcement of a court Order. Pressler & Verniero, cmt. 4.4.1 on R. 1:10-3; Ridley v. Dennison, 298 N.J. Super. 373, 381 (App. Div. 1997). Thus, the scope of relief is "limited to remediation of the violation of a court Order." Pressler & Verniero, cmt. 4.4.1 to R. 1:10-3.

Here, defendant J. Wallace has failed to comply with the court's prior Orders of March 1, 2019 and June 3, 2019. Both Orders required defendant to produce all applicable documents disclosing the extent and nature of such waste currently on the property. Defendant provided only minimal documents in response to these Orders. The response was composed of a sole communication to plaintiff dated May 24, 2019 and included analytics from two projects (the "Wayne Town Center Project" and the "JFK project") and a "CD containing the NJDEP's responses to Mr. Wallace's OPRA request." NJDEP Brief, ex. D. The production also included copies of shipping tickets and receipts for "recyclable materials" comprised of four shipping tickets dated November and December 2017, four sales receipts dated February 6, 2019, March 12, 2019, March 13, 2019, and April 18, 2019, and ten illegible recyclable materials receipts forms with no clear date or other identifiable information. Id. The extent of dumping and material allegedly on the property does not match the number of documents produced by defendant. These documents do not provide the required level of detail encompassed in the court's Orders and including gaps

in time and unidentified sources. Moreover, plaintiff would be nonetheless entitled to production of these documents pursuant to R. 4:10. Specifically, R. 4:10-2 permits parties to “obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” The requested documents detailing the source and nature of the allegedly prohibited material being brought onto defendant’s property relate directly to plaintiff’s request for an injunction to stop such illegal dumping. Plaintiff states it followed up with defendant via letter and phone regarding this minimal document production and missing documents with no response. Certification of Keyin J. Fleming, Esq. ¶¶ 15-17. Through this incomplete document production, defendant willfully failed to comply with the court’s March 1, 2019 and June 3, 2019 Orders.

Moreover, plaintiff mailed a letter to the court dated August 5, 2019 detailing defendant’s continued non-compliance with respect to document production. Plaintiff’s letter also discussed defendant’s failure to comply with additional deadlines pursuant to the June 3, 2019 Order, including characterization of fill material via sampling, placement of funds in an escrow account to ensure removal of the waste from the property, and the implementation of a soil erosion and sediment control plan. Defendant does not dispute this non-compliance but instead states only that he has a “valid and legitimate defenses to plaintiff’s allegations” and present evidence suggesting there is no contamination on the property or its adjacent properties as a result of defendant’s actions. See Patti June 26 Cert. ¶¶ 5, 16, 17. As discussed, defendant’s justifications for lack of compliance related to the Fifth Amendment and inability to request a stay lack merit. Additionally, defendant’s allegations that plaintiff already possessed the relevant information related to the material on the property are irrelevant. Pursuant to the court Orders in this action, defendant is under a renewed obligation to “provide NJDEP with full and complete documentation setting forth

the source and nature of the material brought onto the site since 2009” without regard for documents potentially already in plaintiff’s possession.

The court notes L. Wallace did not join in or file opposition to J. Wallace’s motions. Additionally, at oral argument, the parties discussed an intent to remove L. Wallace from these proceedings as the parties are currently contemplating divorcing. As such, the court will not consider enforcement of its June 3, 2019 with respect to L. Wallace at this time.

Plaintiff’s request to compel defendant Joseph Wallace to immediately comply with all aspects of the court’s June 3, 2019 Order is **GRANTED**. Continued non-compliance with court Orders may result in the imposition of sanctions against defendants or the appointment of a special agent to oversee compliance with the court’s Order.