

**“Not for Publication in West’s Bankruptcy  
Reporter”**

Note: A blank version of the writ attached to this decision is available under the [Forms](#) section of this website.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
 )  
WAY OF THE CROSS CHURCH OF ) Case No. 98-00058  
CHRIST, INC., ) (Chapter 11)  
 )  
Debtor. )

DECISION AND ORDER RE MOTION OF JUDGMENT CREDITOR RIVERDALE BAPTIST  
CHURCH TO SATISFY JUDGMENT FOR SANCTIONS BY GARNISHMENT  
PURSUANT TO SECTION 16-542 OF THE DISTRICT OF COLUMBIA CODE

The court will partially grant the Riverdale Baptist Church's motion seeking a writ of attachment. The church is entitled to a writ, but under F.R. Civ. P. 69(a), the writ must conform to procedures under District of Columbia law. The proposed writ submitted with the motion is inconsistent with those procedures because it would have the writ order Mr. Leach to make payments due to Randy McRae to the church, and because it would not include interrogatories. Moreover, the church's writ would deprive Leach of procedural protections available under two provisions of D.C. law:

If, within ten (10) days after service of Leach's answers to interrogatories, or such later time as the Court may allow, the Riverdale Baptist Church does not contest Leach's answers pursuant to Title 16, Section 522, D.C. Code Ann., his obligations under the attachment shall be limited by the answers. See Superior Court Civil Procedure Rule 69-I(d).

Pursuant to D.C. Superior Court Rule 69-I(e), if Riverdale Baptist Church fails to file a motion for entry of judgment:

- within 28 days after answers to the interrogatories are due and not filed and served; or
- within 28 days after Leach has timely filed and served answers to the interrogatories; or

- within such later time as may be authorized by the court upon a motion made within the applicable period

then the garnishment and attachment shall stand dismissed, unless a judgment has already been entered within the time provided above.

It is accordingly

ORDERED that the Riverdale Baptist Church's motion (Docket Entry No. 239) is GRANTED, except that it is further

ORDERED that the clerk shall issue a writ in the form attached hereto in lieu of the proposed writ submitted with the motion.

Dated: February 6, 2002.

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S. Martin Teel, Jr.  
United States Bankruptcy Judge

Copies to:

Nelson C. Cohen, Esq.  
Virginia Whitehill Guldi, Esq.  
ZUCKERMAN SPAEDER, L.L.P.  
1201 Connecticut Avenue, N.W.  
Washington, DC 20036  
Telephone: (202) 778-1800  
Attorneys for Riverdale Baptist Church

Randy McRae, Esq.  
218 11<sup>th</sup> Street, S.E.  
Washington, DC 20003

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
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CHRIST, INC., ) (Chapter 11)  
 )  
Debtor. )

WRIT OF ATTACHMENT ON JUDGMENT  
OTHER THAN ON WAGES, SALARY AND COMMISSIONS OWED BY AN EMPLOYER

**To: Richard Leach**, 1101 30<sup>th</sup> Street, N.W., Suite 500, Washington, DC 20007, **Garnishee:**

You are hereby notified that any money, property or credits of Randy McRae (other than wages, salary and commissions owed by you as an employer), are seized by this Writ of Attachment, and you are required to hold it and not to pay or surrender it to Randy McRae or to anyone else without an order from this court.

The Judgment against Randy McRae (entitled Judgment Awarding Sanctions Against Debtor's Counsel) was entered in this case on October 24, 2000, in favor of Riverdale Baptist Church in the amount of \$24,187.66, together with interest, in accordance with 28 U.S.C. § 1961, after October 24, 2000, at the rate of 6.241 percent per annum compounded annually, and with no credits having been received on the Judgment, the amount calculated by the Riverdale Baptist Church to be owed as of December 31, 2001, is \$25,930.07, with additional interest accruing after that date, plus any further allowable costs.

Within ten (10) days after this writ is served upon you, you are required:

- to answer the attached interrogatories, **UNDER PENALTY OF PERJURY;**
- to serve copies of the answers to interrogatories, by mail (or other means permitted by applicable rules), upon the attorney for Riverdale Baptist Church and upon Randy McRae at their respective addresses noted below; and
- to file with the clerk of this court the original of the answers to the interrogatories, accompanied by a certificate reciting when and how service was made on Riverdale Baptist Church and on Randy McRae.

**If you fail to take these steps within the 10 days, judgment may be entered against you for the entire amount of the Riverdale Baptist Church's claims with interest and costs.**

Filing with the clerk is not complete upon mailing. Filing is only complete upon actual receipt:

- at the clerk's office (Room 4400 E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, DC 20001) during the hours it is open; or
- upon delivery to the drop box at the security desk at the John Marshall entrance to the courthouse as provided by Rule 5005-1 of this court's Local Bankruptcy Rules (available at the clerk's office and on the court's website (<http://www.dcb.uscourts.gov/>)).

In contrast, service is complete upon mailing, and for your convenience, the Interrogatories in Attachment are accompanied by a blank certificate of service by mail which may be filled out by you to reflect service by mail of your answers (once you have filled in answers to the Interrogatories and signed the answers).

If, within ten (10) days after service of the answers, or such later time as the Court may allow, the Riverdale Baptist Church does not contest your answers pursuant to Title 16, Section 522, D.C. Code Ann., your obligations under the attachment shall be limited by your answers. See Superior Court Civil Procedure Rule 69-I(d), made applicable here by F.R. Civ. P. 69(a).

Pursuant to D.C. Superior Court Rule 69-I(e), made applicable here by F.R. Civ. P. 69(a), if Riverdale Baptist Church fails to file a motion for entry of judgment:

- within 28 days after answers to the interrogatories are due and not filed and served; or
- within 28 days after you have timely filed and served answers to the interrogatories; or
- within such later time as may be authorized by the court upon a motion made within the applicable period

then the garnishment and attachment shall stand dismissed, unless a judgment has already been entered within the time provided above. Upon written request therefor, the clerk of this court shall enter

such dismissal of the garnishment and attachment and shall furnish a certificate of such dismissal to you as garnishee, to Randy McRae, or any other person.

Witness the Honorable Judge of said Court, this 7<sup>th</sup> day of February, 2002.

Denise H. Curtis, Clerk  
United States Bankruptcy Court  
Room 4400  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, DC 20001

By: \_\_\_\_\_  
Deputy Clerk

Copies to:

Nelson C. Cohen, Esq.  
Virginia Whitehill Guldi, Esq.  
ZUCKERMAN SPAEDER, L.L.P.  
1201 Connecticut Avenue, N.W.  
Washington, DC 20036  
Telephone: (202) 778-1800  
Attorneys for Riverdale Baptist Church

Randy McRae, Esq.  
218 11<sup>th</sup> Street, S.E.  
Washington, DC 20003

UNITED STATES BANKRUPTCY COURT  
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In re )  
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CHRIST, INC., ) (Chapter 11)  
 )  
Debtor. )

**INTERROGATORIES IN ATTACHMENT**  
**PURSUANT TO WRIT ISSUED FEBRUARY 7, 2002 TO RICHARD LEACH**

**NOTICE TO RICHARD LEACH, GARNISHEE:** As a garnishee, you are required by law (Title 16, Section 521 (a), D.C. Code Ann.) to file answers to the following Interrogatories within ten (10) days after service of the writ upon you. If you fail to answer the Interrogatories, judgment may be entered against you for the entire amount of the Riverdale Baptist Church's judgment (including interest accruing thereon), and costs. Title 16, Section 556(b), D.C. Code Ann.

You are required:

- to file the original of the answers with the Clerk of the Bankruptcy Court (see instructions on the writ); and
- to serve a copy upon the Riverdale Baptist Church and a copy upon Randy McRae (and a certificate of service by mail is attached which the garnishee may employ if service is made by mail).

INTERROGATORY 1: Were you at the time of the service of the writ of attachment, or have you been between the time of such service and the filing of your answers to this interrogatory indebted to Randy McRae, and, if so, how, and in what amount?

ANSWER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INTERROGATORY 2: Had you at the time of the service of the writ of attachment, or have you had between the time of such service and

the filing of your answer to this interrogatory, any goods, chattels, or credits of Randy McRae in your possession or charge, and, if so, what?

ANSWER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing answers to the above interrogatories are true and correct.

Executed on: \_\_\_\_\_, 2002.

\_\_\_\_\_  
Richard Leach, Garnishee

Certificate of Service

I, Richard Leach, state that on the \_\_\_ day of \_\_\_\_\_, 2002, I made service of the foregoing answers to these Interrogatories in Attachment by mailing copies of the same by first class mail to:

Nelson C. Cohen, Esq.  
Virginia Whitehill Guldi, Esq.  
ZUCKERMAN SPAEDER, L.L.P.  
1201 Connecticut Avenue, N.W.  
Washington, DC 20036  
Attorneys for Riverdale Baptist Church

and

Randy McRae, Esq.  
218 11<sup>th</sup> Street, S.E.  
Washington, DC 20003.

I declare under penalty of perjury that the foregoing statement is true and correct.

Executed on: \_\_\_\_\_, 2002.

\_\_\_\_\_  
Richard Leach, Garnishee