

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CARITAS OF BIRMINGHAM, COMMUNITY)
OF CARITAS and TERRY)
COLAFRANCESCO,)

Plaintiff,)

v.)

CIVIL ACTION NO. 05-1158

PHILLIP J. KRONZER, THE PHILLIP J.)
KRONZER FOUNDATION FOR RELIGIOUS)
RESEARCH and DONN WATERS,)

Defendants.)

ORDER HOLDING DEFENDANTS IN CONTEMPT

The Plaintiffs, in open court on December 13, 2006, requested this Court to hold Phillip J. Kronzer, The Phillip J. Kronzer Foundation for Religious Research, and Donn Waters in criminal and civil contempt of court for willful failure to comply with this Court's Order to appear at depositions on December 13, 2006. The Plaintiffs have also requested this Court to award attorney's fees and costs concerning the Defendants' failure to appear on December 13, 2006, for said depositions. It is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Phillip J. Kronzer, pursuant to Rule 70A(a)(C)(i) of the Alabama Rules of Civil Procedure, is in criminal contempt of court for willful disobedience of this Court's order to appear at a deposition on December 13, 2006, and shall be incarcerated for 5 consecutive days at the Shelby County Jail.
2. Phillip J. Kronzer, pursuant to Rule 70A(a)(D) of the Alabama Rules of Civil Procedure, is in civil contempt of court for willful failure to comply with this Court's order to appear at a deposition on December 13, 2006, an Order that by its nature is still capable of being complied with. Phillip J. Kronzer shall be held in custody until further order. The Court shall be notified immediately after Mr. Kronzer's arrest.

The Court will then conduct a hearing to determine Mr. Kronzer's willingness to comply with the Court order to appear and give a deposition.

3. The Phillip J. Kronzer Foundation for Religious Research, pursuant to Rule 70A(a)(C)(ii) of the Alabama Rules of Civil Procedure, is in criminal contempt of court for willful disobedience of this Court's order to appear at a deposition on December 13, 2006, and Phillip J. Kronzer, as President of The Phillip J. Kronzer Foundation for Religious Research, shall be incarcerated for 5 consecutive days at the Shelby County Jail, to run consecutively with the 5 days he has been sentenced to in Paragraphs 1 and 2 of this Order.
4. The Phillip J. Kronzer Foundation for Religious Research, pursuant to Rule 70A(a)(D) of the Alabama Rules of Civil Procedure, is in civil contempt of court for willful failure to comply with this Court's order to appear at a deposition on December 13, 2006, an Order that by its nature is still capable of being complied with. Phillip J. Kronzer, as President of The Phillip J. Kronzer Foundation for Religious Research, shall be held in custody until further order. The Court shall be notified immediately after Mr. Kronzer's arrest. The Court will then conduct a hearing to determine Mr. Kronzer's willingness to comply with the Court order to appear and give a deposition.
5. Donn Waters, pursuant to Rule 70A(a)(C)(ii) of the Alabama Rules of Civil Procedure, is in criminal contempt of court for willful disobedience of this Court's order to appear at a deposition on December 13, 2006, and shall be incarcerated for 5 consecutive days at the Shelby County Jail.
6. Donn Waters, pursuant to Rule 70A(a)(D) of the Alabama Rules of Civil Procedure, is in civil contempt of court for willful failure to comply with this Court's order to appear at a deposition on December 13, 2006, an Order that by its nature is still

capable of being complied with. Donn Waters shall be held in custody until further order. The Court shall be notified immediately after Mr. Water's arrest. The Court will then conduct a hearing to determine Mr. Water's willingness to comply with the Court order to appear and give a deposition.

7. Defendants shall reimburse Plaintiffs their attorney's fees and costs for their attorney's appearance on December 13, 2006, as well as the fees for the court reporter. The total amount of attorney's fees and costs are \$1128.20 (3.5 hours at \$300 an hour, mileage of \$28.20 and court reporter fee of \$50.00). This amount shall be paid in full within 10 days.
8. Defendants are further ordered to appear in person, at the Shelby County Courthouse library, on Wednesday, January 10, 2007, at 9:00 a.m., to sit for deposition, and produce all documents previously requested by the Plaintiffs in their Notices of Deposition. Failure to appear in person may result in an additional finding of contempt.
9. All passports in the possession, custody or control of Phillip J. Kronzer, whether issued by the United States or any other country, and used by Phillip J. Kronzer in the last 5 years, shall be delivered to the Court for safekeeping pending further order from this Court.

DONE and ORDERED this the 14th day of December, 2006.


J. Michael Joiner
Circuit Court Judge

cc: Daniel J. Burnick, Esq.
Bradley R. Overton, Esq.