

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

URSULA LENHARDT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 21-4001-DDC-ADM
	)	
DEMOCRATIC PARTY HQ, et al.,	)	
	)	
Defendants.	)	

ORDER GRANTING MOTION FOR HEARING IN AID OF EXECUTION

This matter is before the court on pro se plaintiff Ursula Lenhardt’s (“Lenhardt”) Request for a Hearing in Aid of Execution. (ECF 30.) By way of this motion, Lenhardt requests that the court order “the original Defendants” to appear and testify in order to “provide sufficient information to execute the awarded and clarified Judgment (like financial information, sufficient Bank Account of the DNC to be levied).” (*Id.* at 3.) Lenhardt also asks the court to order the defendants to publicly “apologize for their misconducts,” to “clarify the awarded relief,” and “to triple the damages plus interests to be awarded to plaintiff.” (*Id.* at 3.) No response has been filed to the motion.

In support of Lenhardt’s motion, she states that, on January 12, 2022, the court granted her motion for default judgment (ECF 24) and the Clerk of the Court entered default judgment against defendant Democratic National Committee (“DNC”) in the amount of \$60,000 plus post-judgment interest (ECF 25). She now seeks an order from this court for a hearing in aid of execution as an aid to the collection of the judgment, which remains unpaid and unsatisfied. (ECF 30, at 1; ECF 34, at 1.)

In matters of obtaining discovery in aid of execution of a judgment, the Federal Rules of Civil Procedure direct the court to follow the laws of the state in which the federal district court

sits. FED. R. CIV. P. 69(a)(2). Under Kansas law, KAN. STAT. ANN. § 60-2419 sets forth the procedures for a hearing in aid of execution.¹ Under the statute, a judgment creditor without sufficient knowledge of the debtor's assets to advise the sheriff where and on what to levy execution is entitled to an order for a hearing in aid of execution. KAN. STAT. ANN. § 60-2419. An order for a hearing in aid of execution requires the judgment debtor to appear and answer concerning its property and income. *Id.* If the judgment debtor fails to appear before the court, it is deemed guilty of contempt of court. At that point, the court must issue a citation requiring the judgment debtor to appear before the court and show cause why it should not be punished for contempt. *Id.* If, after proper service of the citation, the judgment debtor does not appear or if it appears to the court that judgment debtor is hiding to avoid the process of the court, the court may issue a bench warrant commanding law enforcement to bring the judgment debtor before the court. *See id.*

Following the procedures outlined in KAN. STAT. ANN. § 60-2419, the court grants Lenhardt's motion in part and denies it in part. Specifically, the court grants her motion for a hearing in aid of execution and orders defendant and judgment debtor DNC to appear at the hearing and submit to an examination concerning its financial assets. However, the court will not order the remaining, former defendants to appear and submit to examination. They were terminated from the case on July 16, 2021,² the court did not enter judgment against them, and DNC should

¹ Lenhardt cites to KAN. STAT. ANN. § 61-3604 in support of her motion. (ECF 30, at 1-2 n.1.) But that statute sets forth the procedures for a hearing in aid of execution in limited actions. Given the amount of the judgment in this case (\$60,000 plus post-judgment interest), the court follows the procedures outlined in the correct statutory counterpart, KAN. STAT. ANN. § 60-2419.

² The court's order dated July 16, 2021, terminated defendants Kamala Harris, Barack Obama, Elizabeth Warren, Joseph Biden and Hillary Clinton from the case. (ECF 13.)

be able to explain that it has sufficient assets to satisfy the judgment without unduly burdening the former individual defendants to appear at the hearing. *See* KAN. STAT. ANN. § 60-2419 (requiring the court to find that appearance at the hearing “will not cause undue hardship on the judgment debtor” before ordering a debtor residing in another county to appear before the court for such a hearing).³

The hearing is scheduled for **August 3, 2022 at 9:00 a.m.** in Courtroom 223 of the Robert J. Dole United States Courthouse, 500 State Avenue, Kansas City, Kansas 66101 before United States Magistrate Judge Angel D. Mitchell. A copy of this order providing notice of the hearing shall be served upon defendant and judgment debtor DNC in accordance with KAN. STAT. ANN. § 60-205(b). If DNC fails to appear, a citation will then be served at DNC’s address of record requiring an authorized representative of DNC to appear and show cause why it should not be held in contempt for failure to appear. If DNC again fails to appear in response to the show cause order, the court must issue a bench warrant for DNC’s failure to appear.

Finally, to the extent that Lenhardt seeks other relief—such as a public apology, a clarification of the awarded relief, and a tripling of her judgment award—her motion is denied. Lenhardt is not entitled to any of these things.

IT IS THEREFORE ORDERED that plaintiff Ursula Lenhardt’s Request for a Hearing in Aid of Execution (ECF 30) is granted in part to the extent that the court orders defendant and judgment debtor DNC to appear before United States Magistrate Judge Angel D. Mitchell on **August 3, 2022 at 9:00 a.m.** in Courtroom 223 of the Robert J. Dole United States Courthouse,

³ On May 11, 2022, Lenhardt filed a “supplement” to her motion that added Amalgamated Bank in Washington, D.C. to her list of witnesses she requests be ordered to appear for examination at the hearing. (ECF 34.) For the same reasons the court denies the motion as to the remaining, former defendants, the court denies the motion as to Amalgamated Bank.

500 State Avenue, Kansas City, Kansas 66101, to answer questions concerning the judgment debtor's assets and provide information regarding the value and quality of its assets. DNC's failure to comply with this order shall be grounds for contempt under KAN. STAT. ANN. § 60-2419. Lenhardt's motion is denied to the extent that she seeks any other form of relief.

IT IS FURTHER ORDERED that the clerk's office mail a copy of this Order via regular mail and certified mail, return receipt requested, to defendant and judgment debtor Democratic National Committee at the following address: 430 SOUTH CAPITOL STREET SE, WASHINGTON, DC 20003.

IT IS SO ORDERED.

Dated June 30, 2022, at Kansas City, Kansas.

s/ Angel D. Mitchell
Angel D. Mitchell
U.S. Magistrate Judge