

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**FEDERAL TRADE COMMISSION,
and, STATE OF OHIO ex rel.
ATTORNEY GENERAL DAVE
YOST,**

Plaintiff,

v.

**EDUCARE CENTRE SERVICES,
INC., et al.,**

Defendants.

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EP-19-CV-196-KC

ORDER

On this day, the Court sua sponte considered the above captioned case. On November 29, 2019, Plaintiffs filed a Motion to Compel Defendant Charles Kharouf’s Discovery Responses, ECF No. 76. On December 13, 2019, the Court granted Plaintiffs’ Motion to Compel. Dec. 13, 2019, Order, ECF No. 117. On January 16, 2020, Plaintiffs’ filed a Motion for Contempt against Defendant Charles Kharouf, ECF No. 155, for failure to comply with the Court’s Order granting the Motion to Compel. On March 2, 2020, the Court held a Show Cause Hearing as to why Defendant Kharouf should not be held in contempt for his alleged failure to comply. *See* ECF No. 199. At the Hearing, Plaintiffs represented that Defendant Kharouf had not provided any response to their discovery requests, despite the Court’s Order. Defendant Kharouf failed to appear. The Court granted Plaintiffs’ Motion, ordering Defendant Kharouf to cure all outstanding obligations under the Court’s discovery Order within five days and to file a declaration detailing the steps taken to comply within seven days. Order of Civil Contempt 3, ECF No. 212. The Court stated that “[i]f Kharouf fails to comply fully and timely with the

instructions in this Contempt Order, the Court shall enter an order[] [h]olding Kharouf in default” and “[s]triking all pleadings offered by Kharouf, including his Answer and Grounds of Defense to the Complaint.” *Id.*

On April 1, 2020, Plaintiffs filed a Notice of Defendant Kharouf’s noncompliance with the Court’s contempt Order, ECF No. 230. Though the Court’s deadlines have expired, Defendant Kharouf has not complied with the Court’s discovery Order and has not filed a declaration detailing any steps taken to comply.

Accordingly, it is hereby **ORDERED** that Defendant Kharouf is **HELD** in **CONTEMPT OF COURT**.

IT IS FURTHER ORDERED that, pursuant to Federal Rules of Civil Procedure Rule 55(a), the Clerk of Court **SHALL ENTER DEFAULT** against Defendant Kharouf.

IT IS FURTHER ORDERED that Plaintiffs shall move for default judgment against Defendant Kharouf on or before June 10, 2020.

IT IS FURTHER ORDERED that all pleadings filed by Defendant Kharouf are **STRICKEN**. The Clerk of Court **SHALL STRIKE** Defendant Kharouf’s Answer, ECF No. 51.

SO ORDERED.

SIGNED this 6th day of April, 2020.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE