

James Schuenke and Jowana Cyrus,

Plaintiffs,

ORDER

vs.

Natosha Carney,

COURT FILE NO. 62-HG-CV-20-862

Defendant.

This matter came before remote review hearing by Zoom before Judge Nelson on November 2, 2020, at 2PM. **Thuzong Xiong**, Esq., appeared on behalf of Plaintiffs. Plaintiffs appeared. Defendant not appear.

Based upon the files, records, and proceedings herein, testimony taken on October 28, 2020, and the argument of counsel and parties, the **COURT FINDS AND ORDERS THAT:**

1. Defendant has violated the Court's Order dated October 28, 2020 by failing to have a licensed and permitted contractor examine and address the heating issues at 1544 Beech Street, St. Paul, MN 55106, as required by the City of Saint Paul. Defendant was on notice to comply with the Court's Order immediately, and has failed to do so at the date of the review hearing.
2. Plaintiffs orally moved for contempt. Defendant is in contempt of the Court's Order dated October 28, 2020. Defendant, Natosha Carney, shall appear personally before this Court remotely by Zoom on **November 17, 2020, at 3:00 PM to** show cause, if any, she has, why she should not be punished for contempt of court for violating and disobeying the orders of this Court entered on October 28, 2020 by declining to have the furnace at 1544 Beech Street, St. Paul examined and addressed by licensed and permitted contractors or vendors acquiring all necessary permits in

accordance with St. Paul Ordinance and Minnesota Law. Service of this order may be made upon Defendant by serving a copy of it by personal service upon or by sending a copy of the order and a copy of the by registered mail to Defendant at her last known post office address.

3. The Court's October 28, 2020 Order remains in effect. Defendant shall immediately comply with Correction Orders to have the furnace at 1544 Beech Street, St. Paul, MN, 55106 examined and addressed by licensed contractors or vendors, acquiring all necessary permits in accordance with St. Paul Ordinance and Minnesota Law.

4. Defendant is fined in the amount of \$250.00 pursuant to Minn. Stat. § 504b.391, for the First violation of the Court's October 28, 2020 Order. This fine is stayed pending the next hearing.

5. Defendant shall pay Plaintiffs' court costs.

6. Defendant shall pay Plaintiffs' attorney fees, in the amount of \$500, pursuant to Minn. Stat. § 504b.425. Payment is stayed pending the next hearing.

7. If Plaintiffs are forced to move, Defendant shall pay for moving and temporary shelter costs, and immediately return the security deposit of \$1,400.00.

8. Plaintiff's October rent is fully abated in the amount of \$1,200.

9. Plaintiff's October's rent, currently in escrow in 62-HG-CV-20-845, shall be returned to Plaintiffs.

IT IS SO ORDERED.

DATED: November 2, 2020



Nelson, Laura (Judge)
Nov 2 2020 3:41 PM

Laura Nelson
Judge of District Court