

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-9070-JFW (AGR)	Date	September 17, 2013
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Title	Trustees of the Southern California IBEW-NECA Pension Plan, et al. v. CIE, Inc. et al.
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Present: The Honorable	Alicia G. Rosenberg, United States Magistrate Judge
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Marine Pogosyan		None
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorneys Present for Plaintiff:	Attorneys Present for Defendants:
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Proceedings: (In Chambers) RE ORDER TO SHOW CAUSE BY PLAINTIFFS

On August 1, 2013, Plaintiffs applied for an order requiring Theodore Cummings, an officer of the judgment debtor, to appear for judgment debtor examination on September 17, 2013, at 10:00 a.m. (Dkt. No. 36.) The application indicated that Mr. Cummings resides and/or does business in Winchester, California. (Moorhead Decl. ¶ 4.)

This court granted the request. On August 6, 2013, this court issued an order for appearance of Theodore Cummings for a judgment debtor examination on September 17, 2013 at 10:00 a.m. (Dkt. No. 37.)

On September 4, 2013, Plaintiffs requested that the examination be continued to October 22, 2013. (Dkt. No. 39.) This court granted the request and, on September 6, 2013, issued an order for appearance on October 22, 2013, at 10:00 a.m. (Dkt. No. 40.) That order required personal service of the order on Theodore Cummings. (*Id.*)

On September 17, 2013, at 10:00 a.m., Theodore Cummings appeared for the judgment debtor examination. He was not aware that the hearing had been continued, and indicated that he was not available on October 22, 2013.

Plaintiffs did not file a proof of personal service of the court order dated September 6, 2013. Plaintiffs have not otherwise indicated that they notified Mr. Cummings of the continuance. Plaintiffs have not indicated that they ever conferred with him about his availability on October 22, 2013. There was no appearance of the Plaintiffs on September 17, 2013.

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Title Trustees of the Southern California IBEW-NECA Pension Plan, et al. v. CIE, Inc. et al.

IT IS HEREBY ORDERED that, on or before October 1, 2013, Plaintiffs show cause why they should not be sanctioned for failure to give Theodore Cummings notice of the continued judgment debtor examination. Plaintiffs shall serve a copy of this order upon Theodore Cummings. Plaintiffs shall contact the Clerk, on or before October 1, 2013, and provide contact information for Theodore Cummings.

Initials of Preparer mp