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NOTE: CHANGES MADE BY THE COURT

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Attorneys for Plaintiff  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

William Brockhaus,  
  
Plaintiff,  
  
v.  
  
Luis Miguel Gallego Basteri  
a/k/a Luis Miguel,  
  
Defendant.

Case No.: 2:16-cv-06275-VAP (JPRx)

**PROPOSED FINDINGS OF FACT  
IN SUPPORT OF CONTEMPT  
ORDER AGAINST DEFENDANT  
LUIS MIGUEL GALLEGOS  
BASTERI**

**TO THIS HONORABLE COURT AND ALL INTERESTED PARTIES:**

Plaintiff William Brockhaus ("Plaintiff") hereby submits the following proposed findings of fact in support of an order of contempt.

Proposed Findings of Fact

1. Plaintiff obtained a judgment in the Southern District of New York against Defendant Luis Miguel Gallegos Basteri a/k/a Luis Miguel ("Defendant") in the amount of \$1,043,483.77, which judgment was registered in this Court at Dkt. No. 1.

1           2.     A writ of execution was issued on August 22, 2016 for the full amount  
2 of the judgment plus interest at Dkt No. 7.

3           3.     On January 3, 2017, Plaintiff applied for a judgment debtor exam  
4 before this Court at Dkt. No. 15. The application was referred by Judge Phillips to  
5 Hon. Magistrate Judge Jean P. Rosenbluth for consideration at Dkt. No. 17.

6           4.     On January 4, 2017, Magistrate Judge Rosenbluth ordered the  
7 personal appearance of Defendant for a judgment debtor exam on February 16,  
8 2017 at 9:30 a.m. in Courtroom 827-A of the above-referenced court at Dkt. No.  
9 19.

10          5.     As reflected in representations made by counsel to the Court at the  
11 hearing on February 16, 2017, as well as the declaration of due diligence and  
12 proofs of service filed on February 13, 2017, Plaintiff had difficulty effecting  
13 personal service on Defendant but was ultimately able to do so on February 10,  
14 2017. Plaintiff had apparently also posted notice of the judgment debtor exam on  
15 the gate of Defendant's residence and mailed a copy of the notice to Defendant, as  
16 reflected in Dkt. 23.

17          6.     Counsel from New York appearing *pro hac vice* for Plaintiff appeared  
18 for Defendant's judgment debtor exam before this Court on February 16, 2017. No  
19 appearance was made by Defendant or his counsel. Magistrate Judge Rosenbluth  
20 continued the exam to March 9, 2017 and ordered Plaintiff to serve notice of the  
21 exam, including minutes of the proceeding, on Defendant by personal service as  
22 reflected in the Court Minutes at Dkt. No.28.

23          7.     On February 23, 2017, Defendant was personally served with notice  
24 of the exam and Court Minutes at the Aria Hotel in Las Vegas, Nevada in the valet  
25 area. Proof of personal service was filed on March 2, 2017 at Dkt. No. 29. The  
26 Court has evaluated the proof of service that was filed and finds it to be valid on its  
27 face and reflecting timely service of the documents required on Defendant to  
28 require his appearance on March 9, 2017 for a judgment debtor exam.

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2 8. Counsel from New York appearing *pro hac vice* for Plaintiff appeared  
3 for Defendant's judgment debtor exam before this Court on March 9, 2017. Again  
4 no appearance was made by Defendant or his counsel. Neither Defendant nor his  
5 counsel attempted to continue the judgment debtor exam by contacting the Court,  
6 and Plaintiff's counsel has represented that no attempts were made to Plaintiff to  
7 continue the exam. Plaintiff's counsel requested a bench warrant be issued or  
8 Defendant fined for his non-appearance. See Dkt. No. 34. Although the Court  
9 denied this request, it appears to the Magistrate Judge that Defendant Luis Miguel  
10 is in contempt of a court order. It is therefore recommended that the District Judge  
11 set an Order to Show Cause re: Contempt.

12 DATED: March 14, 2017

EPSTEIN BECKER & GREEN, P.C.

13  
14 By: /s/ Amy B. Messigian

David Jacobs  
Amy B. Messigian  
Kenneth J. Kelly

Attorneys for Plaintiff  
WILLIAM BROCKHAUS

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23 Dated: March 17, 2017



Honorable Jean P. Rosenbluth,  
Magistrate Judge of the U.S. District Court

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26 cc: Judge Phillips  
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