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 KUNSHAN CAPACI TRADING COMPANY
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 8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA
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11 KUNSHAN CAPACI TRADING)
 COMPANY, a Chinese Limited Liability)
 12 Company,)

13 Plaintiff,

14 vs.

15 RADII FOOTWEAR)
 INCORPORATED, a California)
 16 corporation, and DOES 1 THROUGH)
 10, INCLUSIVE,)

17 Defendants.)
 18

CASE NO.: 8:16-cv-2236-JLS (DFMx)

**TEMPORARY PROTECTIVE
 ORDER**

Hearing before Hon. Douglas F.
 McCormick:

Date: Tuesday, February 28, 2017

Time: 10:00 a.m.

Place: Reagan Fed. Bldg. & U.S.
 Courthouse, Courtroom 6B, 6th Floor
 411 W. Fourth St., Santa Ana, CA
 92701

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 20 1. The court has considered the application of Plaintiff KUNSHAN CAPACI
 21 TRADING COMPANY for a right to attach order, order for issuance of writ of
 22 attachment pursuant to California Code Civ. Proc. §484.010 *et seq.* and for a
 23 temporary protective order.

24 2. THE COURT FINDS:

25 a. Defendant RADII FOOTWEAR INCORPORATED is a corporation.

26 b. The amount to be secured by the attachment under the application for
 27 a right to attach order is \$314,439.31.
 28

1 c. The claim upon which the application for attachment is based is one
2 upon which an attachment may be issued under California Code Civ. Proc.
3 §483.010.

4 d. Plaintiff has established the probable validity of the claim upon which
5 the application for the attachment is based.

6 e. The order is not sought for a purpose other than the recovery upon the
7 claim upon which the application for the attachment is based.

8 f. Great or irreparable injury to the plaintiff will result if this order is not
9 issued, based on the following: Defendant has failed to pay the debt underlying the
10 requested attachment and is insolvent as defined in California Code Civ. Pro.
11 §485.010(b)(2).

12 g. The requirements of California Code Civ. Proc. §485.220 are
13 satisfied, and a temporary protective order should issue.

14 h. Plaintiff must file an undertaking in the amount of \$_____
15 before a temporary protective order will issue and shall file an undertaking in that
16 amount within five days from the date of this Order.

17 i. The property subject to the following order is: all real and personal
18 property of Defendant Radii Footwear Incorporated, including without limitation:
19 all deposit accounts maintained with any bank or financial institution; all inventory;
20 all general intangibles; all documents or other receipts covering, evidencing or
21 representing goods; all instruments; all chattel paper; all financial assets; all cash
22 and other monies and property of defendant; all commercial tort claims; all
23 investment property; all letter-of-credit rights; all letters of credit; all rights to
24 payment for money or funds advanced or sold; all goods; all goodwill and
25 trademarks of defendant; and all rights in any chose in action.

26 j. The following property of defendant is inventory held for sale and
27 may be transferred in the ordinary course of business: footwear designed by
28 defendant for resale.

1 **ORDER**

2 **3. THE COURT ORDERS**

3 a. Defendant shall not transfer, directly or indirectly, any interest in the
4 property described in item 2i of the findings.

5 b. Defendant shall not dispose of monies in any of its accounts in a
6 financial institution or of the proceeds of any transfer of inventory held for sale
7 except under the following restrictions:

8 (1) Defendant may pay any payroll expense (including fringe
9 benefits and taxes and premiums for workers' compensation and
10 unemployment insurance) falling due in the ordinary course of business.

11 (2) Defendant may pay for goods delivered to Defendant C.O.D.
12 for use in its business.

13 (3) Defendant may pay taxes if payment is necessary to avoid
14 penalties which will accrue if there is any further delay in payment.

15 (4) Defendant may pay rent for any premises leased for the
16 operation of its business and already occupied.


17 (5) Defendant may pay reasonable legal fees and reasonable costs
18 and expenses required for its representation in this action.

19 c. This order will expire at the earliest of the following times:

20 (1) When plaintiff levies upon cash or property having a fair
21 market value of \$314,439.31; or

22 (2) After entry of final judgment.

23
24 Date: March 29, 2017

25 
26 Honorable Douglas F. McCormick
27 United States Magistrate Judge
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