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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DANIEL DELGADO,

CASE NO. 1:11-cv-00379-LJO-SKO

Plaintiff,

v.

**ORDER FOR APPEARANCE AND  
EXAMINATION OF JUDGMENT  
DEBTOR ALI SADIK**

(Doc. 36)

ALI SADIK, dba Bulter Mini Mart; JUAN  
GALINDO, dba Bulter Mini Mart,

Defendants.

**I. INTRODUCTION**

On January 17, 2012, the Court entered judgment against Defendant Ali Sadik. (Docs. 27, 28.) On March 29, 2012, Plaintiff filed a request for the issuance of an abstract of judgment, which was issued by the Court on April 2, 2012. On March 29, 2012, Plaintiff filed an ex parte application seeking a court order requiring the appearance and examination of judgment debtor Ali Sadik. (Docs. 31.) Plaintiff's request for an order requiring the appearance and examination of judgment debtor was granted, and the order was issued on April 6, 2012, requiring Defendant Ali Sadik to personally appear before the Court on May 9, 2012. (Doc. 34.) On April 27, 2012, Plaintiff filed a "notice to reschedule the hearing" that was a renewed application for an order that the debtor examination take place on June 13, 2012, at 9:30 a.m. in Courtroom 7. (Doc. 36.)

1 **II. DISCUSSION**

2 Pursuant to Federal Rule of Civil Procedure 69(a)(1), "[t]he procedure on execution – and  
3 in proceedings supplementary to and in aid of judgment or execution – must accord with the  
4 procedure of the state where the court is located, but a federal statute governs to the extent it  
5 applies." In turn, California Code of Civil Procedure § 708.160 provides, in relevant part:

6 (a) Except as otherwise provided in this section, the proper court for examination of  
7 a person under this article is the court in which the money judgment is entered.

8 (b) A person sought to be examined may not be required to attend an examination  
9 before a court located outside the county in which the person resides or has a place  
of business unless the distance from the person's place of residence or place of  
business to the place of examination is less than 150 miles.

10 (c) If a person sought to be examined does not reside or have a place of business in  
11 the county where the judgment is entered, the superior court in the county where the  
person resides or has a place of business is a proper court for examination of the  
12 person.

13 Cal Civ. Proc. Code §§ 708.160(a)-(c).

14 The Court construes Plaintiff's April 27, 2012, filing as a renewed application for an order  
15 for appearance and examination of a judgment debtor. The April 27, 2012, filing sets forth the  
16 showing required by Federal Rule of Civil Procedure 69(a)(2) and the applicable provisions of the  
17 California Code of Civil Procedure § 708.160. As set forth below, Defendant Ali Sadik shall appear  
18 personally before the Court on Wednesday, June 13, 2012.

19 **III. CONCLUSION**

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Defendant/judgment debtor Ali Sadik shall appear personally on Wednesday, June  
22 13, 2012, at 9:30 a.m. in Courtroom 7 of the United States District Courthouse,  
23 located at 2500 Tulare Street, Fresno, California, 93721, to answer questions  
24 concerning Defendant/judgment debtor Ali Sadik's real and personal property;
- 25 2. Plaintiff/judgment creditor must serve this order upon Ali Sadik personally not less  
26 than ten (10) days before the date set for the examination and must file a certificate  
27 of such service with the Court; and
- 28 3. Any further requests for a continuance of the debtor examination by Plaintiff shall

1 be presented to the Court through the filing of an ex parte motion which shall include  
2 a statement of the reasons that necessitate resetting the debtor examination as well  
3 as a proposed order in Word or WordPerfect format emailed to the Court at  
4 [skoorders@caed.uscourts.gov](mailto:skoorders@caed.uscourts.gov).

5  
6 **NOTICE TO JUDGMENT DEBTORS. IF YOU FAIL TO APPEAR AT THE TIME**  
7 **AND PLACE SPECIFIED IN THIS ORDER, YOU MAY BE SUBJECT TO ARREST AND**  
8 **PUNISHMENT FOR CONTEMPT OF COURT AND THE COURT MAY MAKE AN**  
9 **ORDER REQUIRING YOU TO PAY THE REASONABLE ATTORNEY'S FEES**  
10 **INCURRED BY THE JUDGMENT CREDITOR IN THIS PROCEEDING.**

11  
12 IT IS SO ORDERED.

13 **Dated:** May 1, 2012

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE