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

ROSA PATRICIA RAMIREZ.,  
Plaintiff,  
v.  
MERCED COUNTY,  
Defendant.

Case No. 1:11-CV-00531-AWI-SAB  
ORDER FOR APPEARANCE AND  
EXAMINATION OF JUDGMENT DEBTOR  
ROSA PATRICIA RAMIREZ  
(ECF No. 51)

**I.**  
**INTRODUCTION**

On December 5, 2012, an order issued directing Plaintiff and her counsel to pay \$3,250.00 in sanctions and attorney fees. (ECF No. 32.) On December 11, 2012, judgment was entered in favor of Defendant Merced County and against Plaintiff Rosa Patricia Ramirez in this action. (ECF No. 34.) On September 5, 2013, an order issued granting Defendant’s motion for attorney fees in the amount of \$16,812.50. (ECF No. 43.) On September 6, 2013, tax were costs against Plaintiff in the amount of \$6,686.91. (ECF No. 44.) On December 23, 2013, District Judge Anthony Ishii issued a supplemental judgment ordering that Plaintiff and her attorney David Romley are jointly and severally liabale to Defendant Merced County for \$20,062.50 for the award of sanctions and attorney fees, and Plaintiff is personally liable for \$6,286.91 for costs. (ECF No. 48.) An abstract of judgment issued on March 13, 2014. (ECF No. 50.) On June 18,

1 2014, Defendant filed the instant application for order for appearance and examination. (ECF No.  
2 51.)

3 **II.**  
4 **DISCUSSION**

5 Pursuant to Federal Rule of Civil Procedure 69(a)(1), "[t]he procedure on execution – and  
6 in proceedings supplementary to and in aid of judgment or execution – must accord with the  
7 procedure of the state where the court is located, but a federal statute governs to the extent it  
8 applies." "[T]he procedure on execution is to be in accordance with the procedure of the state in  
9 which the district court is located at the time the remedy is sought." In re Estate of Ferdinand  
10 Marcos Human Rights Litigation, 536 F.3d 980, 987-88 (9th Cir. 2008). In turn, California Code  
11 of Civil Procedure § 708.110 provides, in relevant part:

12 (a) The judgment creditor may apply to the proper court for an order requiring the  
13 judgment debtor to appear before the court, or before a referee appointed by the  
14 court, at a time and place specified in the order, to furnish information to aid in  
enforcement of the money judgment.

15 (b) If the judgment creditor has not caused the judgment debtor to be examined  
16 under this section during the preceding 120 days, the court shall make the order  
upon ex parte application of the judgment creditor.

17 (c) If the judgment creditor has caused the judgment debtor to be examined under  
18 this section during the preceding 120 days, the court shall make the order if the  
19 judgment creditor by affidavit or otherwise shows good cause for the order. The  
application shall be made on noticed motion if the court so directs or a court rule  
so requires. Otherwise, it may be made ex parte.

20 (d) The judgment creditor shall personally serve a copy of the order on the  
21 judgment debtor not less than 10 days before the date set for the examination.  
22 Service shall be made in the manner specified in Section 415.10. Service of the  
order creates a lien on the personal property of the judgment debtor for a period of  
one year from the date of the order unless extended or sooner terminated by the  
court.

23 (e) The order shall contain the following statement in 14-point boldface type if  
24 printed or in capital letters if typed: "NOTICE TO JUDGMENT DEBTOR. If you  
25 fail to appear at the time and place specified in this order, you may be subject to  
26 arrest and punishment for contempt of court and the court may make an order  
requiring you to pay the reasonable attorney's fees incurred by the judgment  
creditor in this proceeding."

27 Cal Civ. Proc. Code § 708.110(a)-(e).

28 California Code of Civil Procedure § 708.160(b) also provides that "[a] person sought to

1 be examined may not be required to attend an examination before a court located outside the  
2 county in which the person resides or has a place of business unless the distance from the person's  
3 place of residence or place of business to the place of examination is less than 150 miles." Cal.  
4 Civ. Proc. Code § 708.160(b).

5 The Court finds that Defendant has satisfied the requirement of 28 U.S.C. § 1963 because  
6 judgment in the amount of \$20,062.50 as to Plaintiff and her counsel and in the amount of  
7 \$6,286.91 as to Plaintiff has been entered by this Court. Additionally, Defendant's application  
8 sets forth the showing required by Federal Rule of Civil Procedure 69(a)(2) and the applicable  
9 provisions of the California Code of Civil Procedure §§ 708.110 and 708.160.

10 The Court is unavailable on the date set forth on the application and order for appearance  
11 and examination. The Court therefore sets the appear for examination for July 30, 2014 at 10:00  
12 a.m. in Courtroom 9.

13 **III.**

14 **CONCLUSION**

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff/judgment debtor Rosa Patricia Ramirez shall appear personally on  
17 **Wednesday, July 30, 2014, at 10:00 a.m.** in Courtroom 9 of the United States  
18 District Courthouse, located at 2500 Tulare Street, Fresno, California, 93721, to  
19 furnish information to aid in enforcement of a money judgment by answering  
20 questions about the Plaintiff/judgment debtor's real and personal property; and
- 21 2. Defendant/judgment creditor must serve this order upon Plaintiff/judgment debtor  
22 Rosa Patricia Ramirez personally not less than ten (10) days before the date set for  
23 the examination and must file a certificate of such service with the Court.

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