

1 BARRY E. HINKLE, Bar No. 071223
2 TRACY L. MAINGUY, Bar No. 176928
3 KRISTINA M. ZINNEN, Bar No. 245346
4 WEINBERG, ROGER & ROSENFELD
5 A Professional Corporation
6 1001 Marina Village Parkway, Suite 200
7 Alameda, California 94501
8 Telephone (510) 337-1001
9 Fax (510) 337-1023
10 E-Mail: bhinkle@unioncounsel.net
11 tmainguy@unioncounsel.net
12 kzinnen@unioncounsel.net

13 Attorneys for Plaintiffs/ Judgment Creditors

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 THE BOARD OF TRUSTEES, in their
17 capacities as Trustees of the CEMENT
18 MASONS HEALTH AND WELFARE TRUST
19 FUND FOR NORTHERN CALIFORNIA;
20 CEMENT MASONS PENSION TRUST FUND
21 FOR NORTHERN CALIFORNIA; CEMENT
22 MASONS VACATION/HOLIDAY TRUST
23 FUND FOR NORTHERN CALIFORNIA; and
24 CEMENT MASONS APPRENTICESHIP AND
25 TRAINING TRUST FUND FOR NORTHERN
26 CALIFORNIA,

27 Plaintiffs,

28 v.

29 SAMUEL MAGANA CASTILLO, individually
30 and doing business as CONCRETE BY SMC;
31 and CONCRETE BY SMC,

32 Defendants.

No. 15-MC-00037-EPG

**ORDER THAT U.S. MARSHAL NOT
RELEASE PROPERTY CLAIMED AS
EXEMPT UNTIL DISTRICT COURT
RULES ON MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Date: December 4, 2015
Time: 10:00 a.m.
Dept.: 10
Judge: Hon. Erica P. Grosjean

1 Plaintiffs' Motion for Order Determining Claim of Exemption came on for hearing on
2 December 4, 2015 at 10:00 a.m. in the Courtroom of United States Magistrate Judge Erica P.
3 Grosjean of the United States District Court for the Eastern District of California, located at 2500
4 Tulare Street, Department 10, Fresno, California. Plaintiffs THE BOARD OF TRUSTEES, in
5 their capacities as Trustees of the CEMENT MASONS HEALTH AND WELFARE TRUST
6 FUND FOR NORTHERN CALIFORNIA; CEMENT MASONS PENSION TRUST FUND FOR
7 NORTHERN CALIFORNIA; CEMENT MASONS VACATION/HOLIDAY TRUST FUND
8 FOR NORTHERN CALIFORNIA; and CEMENT MASONS APPRENTICESHIP AND
9 TRAINING TRUST FUND FOR NORTHERN CALIFORNIA (hereinafter "Trust Funds" or
10 "Plaintiffs") were represented by Tracy Mainguy of Weinberg, Roger & Rosenfeld, who appeared
11 telephonically; Defendant made no appearance.

12 The Court intends to recommend that Defendant's claim of exemption be denied. Based
13 on Plaintiffs' representation that the U.S. Marshal may release the property at issue before such
14 recommendations can be adopted by the United States District Judge assigned to this case,
15 however, and good cause appearing, IT IS HEREBY ORDERED that the U.S. Marshal is
16 DIRECTED to hold the property claimed to be exempt, which is the \$13,580.00 in accounts
17 receivable remitted to the U.S. Marshal by Dale Atkins Contractor in response to a levy, pending
18 the United States District Judge's adoption of the Court's Findings and Recommendations
19 regarding the claim of exemption.

20 The Court's Findings and Recommendations will follow the issuance of this Order.

21
22 IT IS SO ORDERED.

23 Dated: December 4, 2015

24 /s/ Erica P. Grosjean
UNITED STATES MAGISTRATE JUDGE