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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNA BUMGARDNER, et al.,

No. CIV S-06-2205 WBS EFB

Plaintiffs,

vs.

JOHN KUPKA, et al.,

Defendants.

ORDER

_____ /
This action was initiated by Susan Vineyard (“Vineyard”), the assignee of record, to register a foreign judgment in this district. The judgment was registered on May 17, 2006, and Vineyard has been proceeding to enforce the judgment through various debtor examinations. On April 22, 2010, counsel filed applications for orders that third parties Cynthia Kupka and Robert Kupka appear for examination in connection with the enforcement proceedings. Dckt. Nos. 57, 58. On April 26, 2010, the undersigned issued an order denying those applications without prejudice because they were not supported by the necessary affidavits. Dckt. No. 59. On April 26, 2010, Vineyard’s counsel again filed applications for orders that third parties Cynthia Kupka and Robert Kupka appear for judgment debtor examinations. Dckt. Nos. 60, 61. Because the application for an order requiring Robert Kupka to appear was not signed, and because the application for an order requiring Cynthia Kupka to appear was not supported by an affidavit

1 indicating why Cynthia Kupka should be ordered to appear, both applications were again denied.
2 Dckt. No. 62.

3 On April 27, 2010, Vineyard's counsel filed a *third* set of applications for orders that
4 third parties Cynthia Kupka and Robert Kupka appear for judgment debtor examinations. Dckt.
5 Nos. 63, 64. The application regarding Robert Kupka has now been granted. Dckt. No. 65.
6 However, the affidavit supporting the application for an order requiring Cynthia Kupka to appear
7 simply changed the name "Robert Kupka" to "Cynthia Kupka" in paragraph 4, to state that
8 Cynthia Kupka "is the son of John Kupka." Dckt. No. 64. No additional information is provided
9 regarding Cynthia Kupka. Therefore, the court *still* cannot determine, from the information
10 provided, why Cynthia Kupka should be ordered to appear. Accordingly, the April 27, 2010
11 application for an order requiring her to appear, Dckt. No. 64, is once again denied without
12 prejudice.

13 SO ORDERED.

14 DATED: April 28, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE