

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): GLENN W. PETERSON, ESQ. (SBN 126173) MILLSTONE PETERSON & WATTS, LLP Attorneys at Law 2267 Lava Ridge Court, Suite 210, Roseville, CA 95661 TELEPHONE NO.: 916.780.8222 FAX NO.: 916.780.8775 ATTORNEY FOR (Name): Plaintiff/Judgment Creditor DUSTIN K. ADLER	FOR COURT USE ONLY <h1>FILED</h1> MAY 26 2010 CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY _____ DEPUTY CLERK
NAME OF COURT: UNITED STATES DISTRICT COURT/EASTERN DISTRICT STREET ADDRESS: 501 "I" Street MAILING ADDRESS: 501 "I" Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME:	
PLAINTIFF: DUSTIN K. ADLER, an individual DEFENDANT: RELYNET, INC., et al.	
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person	CASE NUMBER: 2:08-CV-01333 JAM-EFB

ORDER TO APPEAR FOR EXAMINATION

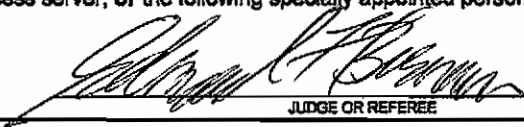
1. TO (name): **RELYNET, INC.**
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. furnish information to aid in enforcement of a money judgment against you.
 - b. answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: June 23, 2010 Time: 9:30 a.m. Dept or Div.:	Rm.: 24
Address of court <input checked="" type="checkbox"/> shown above <input type="checkbox"/> is:	Magistrate Judge Edmund F. Brennan

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Adler v. Relynet, Inc. et al.

5-26-2010



JUDGE OR REFEREE

Doc. 308

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. Judgment creditor Assignee of record Plaintiff who has a right to attach order
 applies for an order requiring (name): **RELYNET, INC.** to appear and furnish information
 to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
 - a. the judgment debtor.
 - b. a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 17, 2010

GLENN W. PETERSON

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

(Continued on reverse)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows (*Describe the property or debt using typewritten capital letters*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

1 John P. Costello, Esq. (California State Bar No. 161511)
2 Pamela W. Bertani, Esq. (California State Bar No. 182672)
3 **COSTELLO LAW CORPORATION**
4 331 J Street, Suite 200
5 Sacramento, California 95814
6 Telephone No.: (916) 441-2234
7 Fax No: (916) 441-4254

8 Glenn W. Peterson, Esq. (California State Bar No. 126173)
9 **MILLSTONE, PETERSON & WATTS, LLP**
10 2267 Lava Ridge Court, Suite 210
11 Roseville, CA 95661
12 Telephone: (916) 780-8222
13 Fax No: (916) 780-8775

14 Attorneys for Plaintiff Dustin K. Adler

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

14 DUSTIN K. ADLER, an individual,

15 Plaintiff,

16 vs.

18 RELYNET, INC., a California Corporation,
19 MICHAEL DICARLO, an individual, and
20 DOES 1 through 50, inclusively,

20 Defendants.

21 RELYNET, INC., a California Corporation,
22 MICHAEL DICARLO, an individual, and
23 DOES 1 through 50, inclusively,

24 Counterclaimants,

25 vs.

26 DUSTIN K. ADLER, an individual,

27 Counterdefendant.

Case No. 2:08-CV-01333-JAM-EFB

**DECLARATION OF GLENN W.
PETERSON IN SUPPORT OF
PLAINTIFF DUSTIN K. ADLER'S
APPLICATION AND ORDER FOR
APPEARANCE AND EXAMINATION
RE: ENFORCEMENT OF JUDGMENT
(DIRECTED TO RELYNET, INC.)**

Date: June 23, 2010
Time: 9:30 a.m.
Courtroom: 24

Magistrate Judge Edmund F. Brennan



1 I, GLENN W. PETERSON, declare:

2 1. I am a partner in the law firm of Millstone Peterson & Watts, LLP, attorneys for
3 Judgment Creditor, Dustin K. Adler ("Judgment Creditor") in the above-entitled action. At the
4 examination of Judgment Debtor RelyNet, Inc. ("Judgment Debtor"), Judgment Creditor desires and
5 requests that RelyNet, Inc. be required to produce and make available for inspection at the time and
6 place specified in the Order to Appear for Examination, the following books, documents, records,
7 papers, reports, and related items in his possession or under his control:

8 [NOTE: Reference herein to the word "documents" shall be deemed to include, without
9 limitation, all records, books, files, documents, papers, contracts, correspondence, communications,
10 writings, memoranda, reports, diaries, statements, checks, deeds, deeds of trust, certificates, ledgers,
11 agreements, books of account, accounts receivable, accounts payable, and the like, in the possession
12 or under the control of, or available to, RelyNet, Inc. and/or any of RelyNet, Inc.'s agents,
13 employees, or attorneys]

14 "YOU" and "YOUR" means and refers to RelyNet, Inc., its agents, representatives, attorneys,
15 accountants and financial service providers.

16 **DOCUMENTS REQUESTED**

17 1. **Accounts.** All documents evidencing any bank, checking, savings, money market,
18 brokerage, or deposit account of any nature, belonging to, under the control of, or available to YOU
19 at any time from January 1, 2007 to the present.

20 2. **Financial Statements.** All of the Judgment Debtor's monthly, quarterly, and year-
21 end financial statements, from January 1, 2007 to the present.

22 3. **Income Statements:** All of the Judgment Debtor's monthly, quarterly, and year-end
23 income statements, from January 1, 2007 to the present.

24 4. **Profit and Loss Statements:** All of the Judgment Debtor's monthly, quarterly, and
25 year-end profit and loss statements, from January 1, 2007 to the present.

26 5. **Asset and Liability Statements:** All of the Judgment Debtor's monthly, quarterly,
27 and year-end asset and liability statements, from January 1, 2007 to the present.

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1 6. General Ledgers: All of the Judgment Debtor's general ledgers, from January 1,
2 2007 to the present.

3 7. Payments to Shareholders/Officers: All documents which evidence, refer, or relate
4 to any payment by the Judgment Debtor to any shareholder or officer, at any time from January 1,
5 2007 to the present.

6 8. Payments to Third Parties. All documents which evidence, refer, or relate to any
7 payment by the Judgment Debtor to any third party (other than employees), at any time from January
8 1, 2007 to the present.

9 9. Tax Returns: All of the Judgment Debtor's federal and state tax returns (including
10 all schedules), for the years 2007 to the present.

11 10. Pledging Assets: All documents which evidence, refer, or relate to the use of any
12 asset of the Judgment Debtor to pay or satisfy any debt or obligation of any shareholder, officer, or
13 any other person or entity, from January 1, 2007 to the present.

14 11. Encumbrances. All documents which evidence, refer, or relate to any encumbrance
15 of any kind placed against any asset of the Judgment Debtor, which encumbrance was obtained by or
16 for the benefit of the Judgment Debtor, at any time from January 1, 2007 to the present.

17 12. Assignment/Transfer/Sale/Conveyance To Shareholders/Officers. All documents
18 which evidence, refer, or relate to any assignment, transfer, sale, or conveyance of any asset of the
19 Judgment Debtor to any shareholder or officer, at any time from January 1, 2007 to the present.

20 13. Assignment/Transfer/Sale/Conveyance To Third Parties. All documents which
21 evidence, refer, or relate to any assignment, transfer, sale, or conveyance of any asset of the
22 Judgment Debtor to any third party, at any time from January 1, 2007 to the present.

23 14. Payments For Shareholder/Officer Obligations: All documents which evidence,
24 refer, or relate to any payment by the Judgment Debtor of any debt or obligation of any shareholder
25 or officer (including, but not limited to, the amount and date of such payment, and the identity of the
26 recipient), at any time from January 1, 2007 to the present.

27 15. Payments For Third Party Obligations: All documents which evidence, refer, or
28 relate to any payment by the Judgment Debtor of any debt or obligation of any other person or entity

1 (including, but not limited to, the amount and date of such payment, and the identity of the
2 recipient), at any time from January 1, 2007 to the present.

3 16. **Assets Held By Third Parties.**

4 (a) All documents which evidence, refer, or relate to any asset, money, fund, or
5 property of any kind belonging to the Judgment Debtor (in whole or in part) which is or was being
6 held in the name of another person or entity, or being held in trust for the benefit of the Judgment
7 Debtor, at any time from January 1, 2007 to the present; and

8 (b) All documents indicating the values of such assets, monies, funds, or property.

9 17. **Debts Owed By Shareholders/Officers:** All documents which evidence, refer, or
10 relate to any amount currently owed to the Judgment Debtor by any shareholder or officer.

11 18. **Debts Owed By Third Parties:** All documents which evidence, refer, or relate to
12 any amount currently owed to the Judgment Debtor by any third party.

13 19. **Debts Owed To Shareholders/Officers.** All documents which evidence, refer, or
14 relate to any amount currently owed by the Judgment Debtor to any shareholder or officer.

15 20. **Debts Owed To Third Parties.** All documents which evidence, refer, or relate to
16 any amount currently owed by the Judgment Debtor to any third party.

17 21. **Lawsuits:** All documents identifying the court and case number, and the parties to
18 the lawsuit, wherein the Judgment Debtor has obtained a judgment or wherein the Judgment Debtor
19 has a pending claim in a complaint or cross-complaint. Such documents shall include a copy of the
20 complaint, the cross-complaint, and the judgment, if any.

21 22. **Miscellaneous Property:** All documents which evidence, refer, or relate to, or in any
22 way describe, confer, or relinquish any ownership or financial interest, legal or beneficial, of the
23 Judgment Debtor at any time from January 1, 2007 to present day, and all documents indicating the
24 value of such interest, in the following:

- 25 (a) Commercial paper;
26 (b) Promissory notes;
27 (c) Leasehold interests;
28 (d) Contents of safety deposit boxes;

- 1 (e) Insurance policies;
- 2 (f) Automobiles or other motor vehicles,
- 3 (g) Boats or planes;
- 4 (h) Patents, inventions, trade names, trademarks, or copyrights;
- 5 (i) Computers and related equipment; and
- 6 (j) Office furniture.

7 23. **Financial Status:** All documents (other than those requested above) evidencing the
8 present assets and liabilities of the Judgment Debtor and/or YOUR ability to make payment of the
9 judgment entered in favor of Plaintiff in the above-entitled action.

10 If for any reason the examination of said books, documents, records, papers and other items
11 is not completed on said date, the examination thereof will be continued from day to day thereafter at
12 the same time and place, excluding Sundays and holidays, until completed.

13 All of the foregoing described documents are relevant and material to the financial condition
14 of Judgment Debtor RelyNet, Inc.

15 I believe there is sufficient good cause and materiality to justify an order requiring
16 production of these described documents because the Judgment Debtor has not paid the Judgment
17 Creditor in accordance with the Judgment against him.

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

20 Executed on ~~April~~ ^{May} 17, 2010, at Roseville, California.



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GLENN W. PETERSON