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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DUSTIN K. ADLER, an individual,)	Case No. 2:08-CV-01333 JAM-EFB
)	
Plaintiff,)	<u>ORDER GRANTING INTERMEDIA</u>
)	<u>OUTDOORS, INC.'S MOTION FOR</u>
v.)	<u>AN ASSIGNMENT ORDER</u>
)	
RELYNET, INC., a California)	
Corporation, MICHAEL DICARLO, an)	
individual, INTERNET BRAND,)	
INC., a Delaware corporation,)	
INTERMEDIA OUTDOORS, INC., a)	
Delaware corporation, VORTEX)	
MEDIA GROUP, INC., a Delaware)	
corporation, and DOES 1 through)	
50, inclusively,)	
)	
Defendants.)	
<hr/>		
RELYNET, INC., a California)	
Corporation, MICHAEL DICARLO, an)	
individual, and DOES 1 through)	
50, inclusively,)	
)	
Counterclaimants,)	
)	
v.)	
)	
DUSTIN K. ADLER, an individual,)	
)	
Counterdefendant.)	

This matter is before the Court on Defendant Intermedia
Outdoors, Inc.'s ("Intermedia") Motion for an Assignment Order
(Doc. #327). Plaintiff Dustin K. Adler ("Adler") does not oppose

1 the motion (See Statement of Non-Opposition, Doc. #335).¹

2 Intermedia also requests judicial notice (Doc. #330) of a number of
3 documents from the court's docket and from Defendant RelyNet,
4 Inc.'s ("RelyNet") Chapter 7 Bankruptcy filing. The Court has
5 taken judicial notice of these documents as requested.

6 On March 11, 2010 this Court granted Intermedia's motion for
7 attorneys' fees and costs, in the amount of \$154,146.49, against
8 Adler. Adler has not paid any part of the fee award to date.
9 Including all post judgment interests and costs, Intermedia is
10 currently owed a total of \$154,385.84. Adler is awaiting payment
11 of a judgment of approximately \$1,200,998.00 ("the Judgment") from
12 Defendants RelyNet and Michael DiCarlo. RelyNet filed for Chapter
13 7 Bankruptcy, and Adler has filed a proof of claim with the
14 Bankruptcy Court. The Proof of Claim indicates that Adler is owed
15 a total payment in the amount of \$1,611,499.94 from RelyNet,
16 including the Judgment, attorneys' fees, costs and interest.

17 Pursuant to Federal Rules of Civil Procedure 69, post-judgment
18 enforcement proceedings in this court must comply with California
19 law. Credit Suisse v. U.S. Dist. Court for Cent. Dist. Of
20 California, 130 F.3d 1342, 1344 (9th Cir. 1997). California Code
21 of Civil Procedure § 708.510 provides that an assignment order may
22 be obtained by a creditor to obtain all or part of a right to
23 payment due, or to become due, whether or not such right is
24 conditioned upon future developments. Assignable payment rights
25 include judgments. C.C.P. § 708.510; Comment to C.C.P. § 708.510.

26 Intermedia seeks an assignment order in the amount of

27 _____
28 ¹ This matter was determined to be suitable for decision without
oral argument. E.D. Cal. L. R. 230(g). The matter was originally
set for hearing on August 3, 2011.

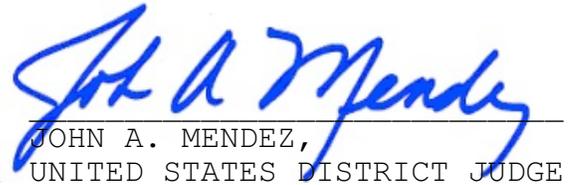
1 \$154,385.84. This amount reflects the currently owed principal of
2 \$154,146.49, plus post judgment interest and costs. Under Fed. R.
3 Civ. P. 69 and C.C.P. § 708.510, the amount may properly be
4 assigned to Intermedia, from the Judgment that is due to Adler.
5

6 ORDER

7 Intermedia's Motion for an Assignment Order is hereby GRANTED.
8 The amount of \$154,385.84 is assigned to Intermedia from the
9 Judgment that is due to Adler.

10 IT IS SO ORDERED.

11 Dated: August 4, 2011.



JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE