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

BEN GORDON, G7, INC, and
BG4, INC.,

Plaintiffs and Creditors,

No. 2:10-mc-00070 WBS KJN

v.

VITALIS PARTNERS, LLC; LARRY
HARMON & ASSOCIATES, P.A.;
KCD DEVELOPMENTS, LLC; LARRY
HARMON, and individual, and KENNY
CRUZ, an individual,

Defendants.

ORDER FOR APPEARANCE AND
EXAMINATION OF JUDGMENT
DEBTOR LARRY W. HARMON

Presently before the court is plaintiffs and creditors’ (“plaintiffs”) *Ex Parte*
Application for Order Requiring Examination of Judgment Debtor Larry W. Harmon.¹ (Dkt.
No. 8.) Plaintiffs separately filed an Application and Order for Appearance and Examination on
Judicial Council of California Form A-138, EJ-125 [Rev. July 1, 2000]. (Dkt. No. 9.) These
filings will be referred to collectively as the “Applications.”

Having concluded that plaintiff’s *ex parte* Applications make the showing
required by Federal Rule of Civil Procedure 69(a)(2) and the applicable provisions of California

¹ This matter proceeds before the undersigned pursuant to Eastern District of California
Local Rule 302(c)(11) and 28 U.S.C. § 636(b)(1).

1 Code of Civil Procedure §§ 708.110 et seq., IT IS HEREBY ORDERED that defendant and
2 judgment debtor Larry W. Harmon shall appear personally on **Monday, January 10, 2011, at**
3 **9:00 a.m.**, in Courtroom 25 of the United States District Courthouse, located at **501 “I” Street,**
4 **Sacramento, California, 95814**, to answer questions concerning defendant and judgment debtor
5 Larry W. Harmon’s real and personal property.²

6 **NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL TO**
7 **APPEAR AT THE TIME AND PLACE SPECIFIED IN THIS ORDER, YOU**
8 **MAY BE SUBJECT TO ARREST AND PUNISHMENT FOR CONTEMPT**
9 **OF COURT AND THE COURT MAY MAKE AN ORDER REQUIRING**
10 **YOU TO PAY THE REASONABLE ATTORNEY’S FEES INCURRED BY**
11 **THE JUDGMENT CREDITOR IN THIS PROCEEDING.**³

12 IT IS SO ORDERED.

13 DATED: December 15, 2010

14 
15 _____
16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE
18

19 _____
20 ² In connection with their request for an order requiring Larry W. Harmon to appear for a
21 judgment debtor examination, plaintiffs request that the court order Mr. Harmon to bring with
22 him documents and other materials in his possession, custody, or control that are responsive to
23 129 requests for production of documents. The undersigned expresses no view regarding
24 plaintiffs’ document requests, and those requests do not form part of this order. Plaintiffs are
25 reminded that such requests must conform to the procedures and other requirements of the
26 Federal Rules of Civil Procedure or the California Code of Civil Procedure. See Fed. R. Civ. P.
69(a)(2) (“In aid of the judgment or execution, the judgment creditor or a successor in interest
whose interest appears of record may obtain discovery from any person—including the judgment
debtor—as provided in these rules or by the procedure of the state where the court is located.”);
see also Cal. Civ. Proc Code § 708.030 (addressing, in part, requests for the inspection of
documents made by judgment creditors).

³ See Cal. Civ. Proc. Code § 708.110(e).