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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHOICE HOTELS INTERNATIONAL,  
INC.,  
  
Plaintiff,  
  
v.  
  
DOSTEL CORP., ET AL.,  
  
Defendant.

No. 2:11-MC-0045-GEB-AC

**ORDER HOLDING DEFENANT IN CIVIL  
CONTEMPT OF COURT**

Defendant/Judgment Creditor Nilakshi Patel  
("Defendant") was ordered to appear in federal court on February  
27, 2015 for the purpose of showing cause why she should not be  
held in civil contempt for her failure to comply with the  
assignment order filed on February 12, 2014 concerning a foreign  
judgment against her. (ECF No. 16). Defendant failed to appear at  
the hearing. The assignment order states in part:

Plaintiff's motion for assignment order (ECF  
No. 11) is granted; and The right of  
Defendant/Judgment Debtor Nilakshi Patel to  
payment of money due or to become due from  
[her] business activities as the  
landlord/owner of . . . commercial real  
property, and improvement thereon, commonly  
known as 'Universal Plaza' and located at  
4400 47th Avenue, Sacramento, California  
95824 APN 039-0052-048, is assigned to  
Plaintiff/Judgment Creditor Choice Hotels

1 International Inc. with payment to 'Aires  
2 Trust Account fbo Choice Hotels International  
3 Inc.,' at 180 Newport Center Drive, Suite  
4 260, Newport Beach, CA 92660, to the extent  
5 necessary to satisfy the judgment entered in  
6 this action in full, which as of December 4,  
7 2013 is \$89,134.31.

8 (Id. 1:25-2:5.)

9 "A district court has the power to adjudge in civil  
10 contempt any person who [ ] disobeys a specific and definite  
11 order of the court." Gifford v. Heckler, 741 F.2d 263, 265 (9th  
12 Cir.1984). "Judicial sanctions in civil contempt proceedings may,  
13 in a proper case, be employed for either or both of two purposes;  
14 to coerce the defendant into compliance with the court's order,  
15 and to compensate the complainant for losses sustained." United  
16 States v. United Mine Workers of Am., 330 U.S. 258, 303-04  
17 (1947); accord United States v. Bright, 596 F.3d 683, 695-96 (9th  
18 Cir.2010) ("Civil contempt is characterized by the court's desire  
19 to compel obedience to a court order or to compensate the  
20 contemnor's adversary for the injuries which result from the  
21 noncompliance.") (internal quotation marks omitted).

22 "The standard for finding a party in civil contempt is  
23 well settled: The moving party has the burden of showing by clear  
24 and convincing evidence that the contemnors violated a specific  
25 and definite order of the court." In re Bennett, 298 F.3d 1059,  
26 1069 (9th Cir.2002). The clear and convincing evidence standard  
27 requires the moving party to "place in the ultimate factfinder an  
28 abiding conviction that the truth of its factual contentions are  
'highly probable.'" Colorado v. New Mexico, 467 U.S. 310, 316  
(1984). Factual contentions are highly probable if the evidence  
offered in support of them "instantly tilt[s] the evidentiary

1 scales in the affirmative when weighed against the evidence [the  
2 non-moving party] offered in opposition." Id.

3 The Court finds clear and convincing evidence that  
4 Defendant is in civil contempt of court, and will consider what  
5 sanction or sanctions should be imposed at or before the hearing  
6 Plaintiff noticed to commence at 9:00 a.m. on March 30, 2015.

7 In light of Defendant's civil contempt, no later than  
8 five court days after this order is filed, Plaintiff shall file a  
9 proposed civil contempt order.

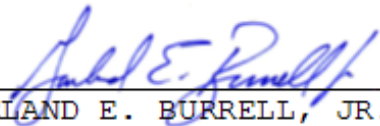
10 The Clerk of the Court shall serve a copy of this order  
11 on Defendant Nilakshi Patel at the following addresses:

12 Nilakshi Patel, 4518 Maple Plain Avenue, Elk  
13 Grove, CA 95758

14 Nilakshi Patel, 4400 47th Avenue, Suite 104,  
15 Sacramento, CA 95824.

16 Dated: February 27, 2015

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GARIAND E. BURRELL, JR.  
Senior United States District Judge