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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHOICE HOTELS INTERNATIONAL
INC.,

Plaintiff,

v.

DOSTEL CORPORATION; PIYUSH
DOSHI; NILAKSHI PATEL; PANKAJ
PATEL; and VARSHA DOSHI,

Defendants.

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

**ORDER DENYING PLAINTIFF/JUDGMENT
CREDITOR'S MOTION FOR
APPOINTMENT OF A RECEIVER***

Plaintiff/Judgment Creditor Choice Hotels
International, Inc. ("Plaintiff") moves for appointment of a
receiver "to take possession of, manage, and, upon further court
order, sell the real property, and improvements thereon, located
in the County of Sacramento, State of California, and situated at
4400 47th Avenue, Sacramento, California 95824 APN 039-0052-048"
("the Real Property"). (Notice of Mot. 1:27-2:3, ECF No. 34.)
Plaintiff indicates that the referenced receiver would be
compensated "for services rendered in the sum of 5% of the total

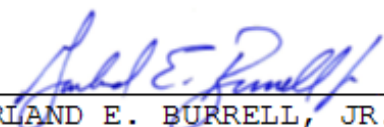
* The hearing on March 30, 2015 is vacated since this matter is suitable
for decision without oral argument under E.D. Cal. R. 230(g).

1 sale price of the Real Property," that the receiver's undertaking
2 should be "fix[ed] . . . at \$2,500.00" and that receiver would
3 have the power inter alia to "commence eviction proceedings of
4 any occupant[] of the Real Property." (Notice of Mot. 4:1-2;
5 2:22; 2:24-25.) Plaintiff's request appears to presume, without
6 factual support, that to satisfy the judgment tenants should be
7 evicted and the Real Property sold.

8 California Code of Civil Procedure section 708.620
9 prescribes: "The Court may appoint a receiver to enforce the
10 judgment where the judgment creditor shows that, considering the
11 interests of both the judgment creditor and the judgment debtor,
12 the appointment of a receiver is a reasonable method to obtain
13 the fair and orderly satisfaction of the judgment." Plaintiff has
14 not shown that a receiver should be appointed with more authority
15 than is necessary to demand, collect and receive rents from
16 tenants on the Real Property; this appointment appears sufficient
17 to resolve the contempt citation, provided that the method of
18 compensating a receiver is explained.

19 Therefore, the motion is DENIED.

20 Dated: March 20, 2015

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