


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Daniel S. Raff, SBN 279259 LOWENTHAL, APC 510 Fourth Street Davis, CA 95616 TELEPHONE NO.: (530) 231-4949 FAX NO.: (530) 231-4949 ATTORNEY FOR (Name): Plaintiff, Ruth Barrios	FOR COURT USE ONLY	
NAME OF COURT: US District Court for the Eastern District of California STREET ADDRESS: 501 I Street MAILING ADDRESS: 501 I Street, Room 4-200 CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: ROBERT T. MATSUI FEDERAL COURTHOUSE		
PLAINTIFF: Barrios et al. DEFENDANT: Ko		
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 AMENDED		CASE NUMBER: 2:14-mc-0031

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): Brian Ko
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: January 7, 2014 2014 2015 Time: 9:30 a.m. Dept. or Div.: Rm.: 8, 13th Floor Address of court <input checked="" type="checkbox"/> shown above <input type="checkbox"/> is:
--

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

Date: **December 10, 2014** 
JUDGE OR REFEREE

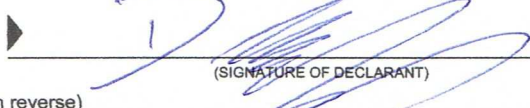
This order must be served not less than 10 days before the date set for the examination.
IMPORTANT NOTICES ON REVERSE

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): **Brian Ko** 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: **December 2, 2014**

Daniel S. Raff (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 DANIEL S. RAFF (SBN 279259)
JUSTIN C. LOWENTHAL (SBN 273877)
2 LOWENTHAL, APC
510 Fourth Street
3 Davis, CA 95616
Telephone: 530-231-4949
4 Facsimile: 530-231-4949

5 Attorneys for Plaintiff
RUTH BARRIOS

6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 BARRIOS et al.

12 Plaintiffs,

13 vs.

14 BRIAN KO

15 Defendants.
16
17
18
19

) Case No.: 2:14-mc-0031

) **DECLARATION IN SUPPORT OF**
) **APPLICATION AND ORDER FOR**
) **APPEARANCE AND EXAMINATION**
) **(CCP § 708.160)**

20 I, Richard Wirkkala, declare:

21 1. I have personal knowledge of the facts stated in this declaration and, if sworn as a
22 witness, could and would testify competently as to those facts.

23 2. I am a licensed California Licensed Private Investigator, License #27169 doing business
24 as Trackback Investigations, P.O. Box 20636, Castro Valley, Ca, 94546 (510) 427-3922. I have
25 been a private investigator for four years, and during that time, I have been hired to locate the
26 residences of more than 250 of people.

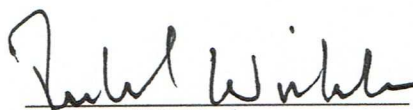
27 3. The current place of residence of Mr. Brian Ko is [REDACTED], Davis, California

28 [REDACTED]

1 4. I was able to determine that this is his current residence by utilizing several proprietary
2 and public databases to locate and corroborate this information. I have used Tracersinfo to locate
3 Brian Ko by social security number, address, and telephone number. I have corroborated this
4 information using TLO, Spokeo, and the Investigators Black Book Online. I have called the
5 telephone number at 530 753-4777 which is listed in all databases providing a telephone number
6 and the listing is still active although there is no answer. The telephone number dates back
7 historically to June 2001 and is current through August 15, 2014. Based on my training and
8 experience in private investigation, this information establishes Brian Ko's address as the one stated
9 above.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing
12 is true and correct.

13
14 Dated: 18 SEP 2014

15
16
17
18
19
20
21
22
23
24
25
26
27
28

Richard Wirkkala