

AT-120

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): STUART G. GROSS (#251019) GROSS & KLEIN LLP The Embarcadero, Pier 9, Suite 100, San Francisco, CA 94111 Telephone no: (415) 671-4628 FAX NO. (Optional): (415) 480-6688 E-MAIL ADDRESS (Optional): sgross@grosskleinlaw.com ATTORNEY FOR: Plaintiffs	FOR COURT USE ONLY
STREET ADDRESS: 501 I Street MAILING ADDRESS: city and zip code: Sacramento, California, 95814 branch name: Eastern District of California	United States District Court
PLAINTIFF: Paskenta Band of Nomlaki Indians, et al. DEFENDANT: Ines Crosby, et al.	
<input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT AFTER HEARING <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT AFTER HEARING	CASE NUMBER: 15-cv-00538-MCE-DMC

1. a. The application of plaintiff (*name*): Paskenta Band of Nomlaki Indians and Paskenta Enterprises Corp.

for a right to attach order and order for issuance of writ of attachment

an order for issuance of additional writ of attachment

against the property of defendant (*name*):

came on for hearing as follows:

(1) Judge (*name*) Judge Morrison C. England

(2) Hearing date. February 11, 2021 Time:2:00pm Dept.: Div.: Rm: 7

No opposition was submitted, and the Court, having determined that oral argument would not be of material assistance, submitted the matter on the briefs in accordance with the provisions of E.D. Local Rule 230(g).

2. THE COURT FINDS

FINDINGS

a. Defendant (*specify name*): John Crosby is a natural person partnership

unincorporated association corporation other (*specify*):

b. The claim upon which the application is based is one upon which an attachment may be issued.

c. Plaintiff has established the probable validity of the claim upon which the attachment is based.

d. The attachment is not sought for a purpose other than the recovery on the claim upon which the attachment is based.

e. The amount to be secured by the attachment is greater than zero.

f. Defendant failed to prove that all the property described in plaintiff's application is exempt from attachment.

g. The following property of defendant, described in plaintiff's application

(1) is exempt from attachment (*specify*):

(2) is not exempt from attachment (*specify*) the real property at 735 Royal Oaks Dr, Redding, CA 96001, Assessor's Parcel Number 103-680-010-00

h. The following property, not described in plaintiff's application, claimed by defendant to be exempt,

(1) is exempt from attachment (*specify*):

(2) is not exempt from attachment (*specify*):

i. An undertaking in the amount of: \$10,000 is required before a writ shall issue, and plaintiff

has has not filed an undertaking in that amount.

j. A Right to Attach Order was issued on (*date*): pursuant to

Code of Civil Procedure section 484.090 (on hearing) Code of Civil Procedure section 485.220 (ex parte)

k. other (*specify*):

SHORT TITLE:

— Paskenta Band of Nomlaki Indians, et al. v. Crosby, et al.

CASE NUMBER:

15-cv-00538-MCE-DMC

ORDER

3. THE COURT ORDERS

- a. Plaintiff has a right to attach property of defendant (*name*): John Crosby
in the amount of: \$ 2,705,643.08
- b. The property described in items 2g(1) and 2h(1) of the findings is exempt and shall not be attached.
- c. The clerk shall issue a writ of attachment an additional writ of attachment in the amount stated in item 3a
 forthwith upon the filing of an undertaking in the amount of: \$
- (1) for any property of a defendant who is **not** a natural person for which a method of levy is provided.
- (2) for the property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010 described as follows (*specify*):
The property at 735 Royal Oaks Dr, Redding, CA 96001, with the Assessor's Parcel Number 103-680-010-00

(3) for the property covered by a bulk sales notice with respect to a bulk transfer by defendant or the proceeds of sale of such property, described as follows (*specify*):

(4) for plaintiffs pro rata share of proceeds from an escrow in which defendant's liquor license is sold. The license number is (*specify*):

- d. Defendant shall transfer to the levying officer possession of
- (1) any documentary evidence in defendant's possession of title to any property described in item 3c;
- (2) any documentary evidence in defendant's possession of debt owed to defendant described in item 3c;
- (3) the following property in defendant's possession (*specify*):

NOTICE TO DEFENDANT: FAILURE TO COMPLY WITH THIS ORDER MAY SUBJECT YOU TO ARREST AND PUNISHMENT FOR CONTEMPT OF COURT.

e. Other (*specify*):

f. Total number of boxes checked in item 3: _____

IT IS SO ORDERED.

DATED: September 27, 2021


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE