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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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11  
12 SANDRA NELSON,  
13  
14 Plaintiff,

15 vs.

16  
17 JENNIFER MCFALL and EARL MCFALL,  
18  
19 Defendants.  
20

NO. 2:15-CV-02006-MCE-CKD

ORDER FOR APPEARANCE AND  
EXAMINATION OF JUDGMENT  
DEBTOR EARL MCFALL

Date: March 22, 2017  
Time: 10:00 a.m.  
Location: Courtroom 24

***Hearing Requested***

21  
22 Plaintiff SANDRA NELSON, through her counsel of record, Minnick-Hayner, P.S.,  
23 hereby moves the Court for an Order for the appearance and examination of Judgment Debtor  
24 EARL MCFALL. On July 22, 2016, plaintiff's motion for summary judgment was granted  
25 and Judgment was entered for plaintiff in the amount of \$150,000.00. Said Judgment was  
26 filed in accordance with the Court's Order on July 25, 2016. Plaintiff requested issuance of  
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1 an Abstract of Judgment and the Abstract of Judgment was issued and filed on August 3,  
2 2016.

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4 Pursuant to Federal Rule of Civil Procedure 69(a)(1), “The procedure on execution -  
5 and in proceedings supplementary to and in aid of judgment or execution – must accord with  
6 the procedure of the state where the court is located, but a federal statute governs to the extent  
7 it applies.” In turn, California Code of Civil Procedure § 708.110 provides, in relevant part:  
8

9 (a) The judgment creditor may apply to the proper court for an order requiring  
10 the judgment debtor to appear before the court, or before a referee appointed  
11 by the court, at a time and place specified in the Order, to furnish information  
12 to aid in enforcement of the money judgment.

13 (b) If the judgment creditor has not caused the judgment debtor to be examined  
14 under this section during the preceding 120 days, the court shall make an order  
15 upon ex parte application of the judgment creditor.

16 (c) If the judgment creditor has caused the judgment debtor to be examined  
17 under this section during the preceding 120 days, the court shall make the  
18 order if the judgment creditor by affidavit or otherwise shows good cause for  
19 the order. The application shall be made on noticed motion if the court so  
20 directs or a court rule so requires. Otherwise, it may be made ex parte.

21 (d) The judgment creditor shall personally serve a copy of the order on the  
22 judgment debtor not less than 10 days before the date set for examination.  
23 Service shall be made in the manner specified in Section 145.10. Service of  
24 the order creates a lien on the personal property of the judgment debtor for a  
25 period of one year from the date of the order unless extended or sooner  
26 terminated by the court.

27 (e) The order shall contain the following statement in 14-point boldface type if  
28 printed or in capital letters if typed: **“NOTICE TO JUDGMENT DEBTOR.  
29 If you fail to appear at the time and place specified in this order, you may  
30 be subject to arrest and punishment for contempt of court and the court  
may make an order requiring you to pay the reasonable attorney’s fees  
incurred by the judgment creditor in this proceeding.”**

1 California Code of Civil Procedure § 708.160(b) also provides that “[a] person sought  
2 to be examined may not be required to attend an examination before a court located outside  
3 the county in which the person resides or has a place of business unless the distance from the  
4 person’s place of residence or place of business to the place of examination is less than 150  
5 miles.” Cal. Civ. Proc. Code § 708.160(b).  
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8 Plaintiff has not caused the judgment debtor to be examined under this section during  
9 the preceding 120 days and the judgment debtor resides in Sacramento County.  
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11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Defendant/judgment debtor EARL MCFALL shall appear personally on  
13 **Monday, March 22, 2017, at 10:00 a.m. in Courtroom 24 of the United States District**  
14 **Court, located at 501 I Street, Sacramento, California 95814**, to furnish information to aid  
15 in enforcement of a money judgment by answering questions about the Defendant/judgment  
16 debtor’s real and personal property; and  
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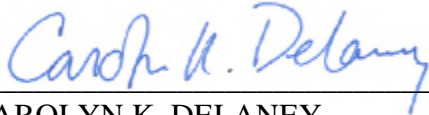
19 2. Plaintiff/judgment creditor must serve this order upon Defendant/judgment  
20 debtor EARL MCFALL **personally not less than 10 days before the date set for the**  
21 **examination and must file a certificate of such service with the Court.**  
22

23 **NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL TO APPEAR AT**  
24 **THE TIME AND PLACE SPECIFIED IN THIS ORDER, YOU MAY BE**  
25 **SUBJECT TO ARREST AND PUNISHMENT FOR CONTEMPT OF**  
26 **COURT AND THE COURT MAY MAKE AN ORDER REQUIRING**  
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1 **YOU TO PAY THE REASONABLE ATTORNEY'S FEES INCURRED**  
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3 **BY THE JUDGMENT CREDITOR IN THIS PROCEEDING.<sup>1</sup>**

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6 IT IS SO ORDERED.

7 Dated: March 6, 2017

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10 CAROLYN K. DELANEY  
11 UNITED STATES MAGISTRATE JUDGE  
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29 <sup>1</sup> This notice is furnished pursuant to California Code of Civil Procedure § 708.110(e).  
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