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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THREE LAKES DESIGN,

Plaintiff-Judgment
Creditor,

v.

GINA SAVALA,

Defendant-Judgment
Debtor.

No. 2:17-cv-01757-MCE-CKD (PS)

ORDER

As part of its judgment collection effort, plaintiff-judgment creditor Three Lakes Design has renewed its Motion for an Earnings Withholding Order, seeking entry of an order garnishing the wages of the spouse of defendant-judgment debtor Gina Savala.¹ (ECF No. 58, “Withholding Motion.”) The Withholding Motion was filed on July 23, 2021 and is noticed for hearing before the undersigned **on Wednesday, September 1, 2021 at 10:00 AM**. That hearing will take place remotely (via Zoom), and the parties will receive instructions for joining closer to the hearing date. The court finds it necessary to issue this order in advance of the hearing because of ongoing problems with delivering mail to defendant’s address of record in this case.

¹ Because defendant is self-represented and the motion is related to collection of judgment, the matter is referred to the undersigned pursuant to Local Rules 302(c)(11) & (21) and 28 U.S.C. § 636(b)(1).

1 The only address defendant has ever provided to the court in connection with this case is a
2 residential address on Arabella Way in Sacramento. (See, e.g., ECF No. 7.) Since May 2019, all
3 mail sent by the court to that address has been returned as undeliverable. Default judgment was
4 entered against defendant in August 2019. (ECF Nos. 35, 36.) Defendant and her husband,
5 Gilbert Savala, appeared in person for a hearing on plaintiff's original wage-withholding motion
6 in October 2019. (ECF No. 45.) Defendant indicated that they had only learned of that hearing
7 through their bankruptcy attorney; yet, no updated address was provided to the court.

8 This case was automatically stayed during the pendency of the Savala's Chapter 7
9 bankruptcy proceeding filed on October 17, 2019. (ECF No. 48, Notice of Stay; In re: Gina Luisa
10 Savala and Gilbert Anthony Savala, III, No. 19-26462 (U.S. Bankr. E.D. Cal.)) That proceeding
11 concluded with what appears to be only a partial discharge of the debt owed to plaintiff on the
12 pre-petition Judgment entered against defendant in this case. (ECF No. 58.3, Ex. A Judgment
13 Pursuant to Stipulation in Bankr. No. 19-26462; Three Lakes Design v. Savala, Adversary
14 Proceeding No. 20-02005 (U.S. Bankr. E.D. Cal.), ECF No. 83.) Plaintiff now returns to this
15 court to continue its effort to collect the remainder of the Judgment. (ECF No. 58.3 ¶ 4
16 (referencing "partial payment on such judgment".))

17 **It is very important that defendant and her husband attend the upcoming hearing on**
18 **plaintiff's Withholding Motion on September 1, 2021.** In an effort to ensure that defendant
19 receives this order and appears at the hearing, the court will instruct the Clerk of Court to update
20 defendant's address of record to an address she appears to have used more recently. Defendant
21 and Mr. Savala's Chapter 7 bankruptcy petition (attached to the Notice of Stay filed in this case)
22 lists both a residential address on Heritage Wood Circle, Sacramento, and a mailing address on
23 Florin Road, Sacramento where court notices could be sent. (ECF No. 48 at 3.) According to the
24 Proof of Service attached to the instant motion, plaintiff already served defendant with the
25 Withholding Motion by mail at both of these addresses. (ECF No. 58.4 at 2.) On prior occasions,
26 plaintiff has also served defendant at her last known email address. (See ECF No. 34 at 3 (listing
27 a gmail.com address).) The court will order plaintiff to serve a copy of its Withholding Motion
28 on defendant via email as well.

1 Under Local Rule 183, self-represented parties have an obligation to keep the court
2 informed of their current address. E.D. Cal. L.R. 183(b). This rule exists to ensure that self-
3 represented parties receive copies of the court's orders in their case. The court and plaintiff have
4 gone out of their way to attempt to keep defendant apprised of the proceedings in this case. If
5 defendant continues to remain silent in response to the instant motion, she risks entry of an order
6 permitting plaintiff to garnish Mr. Savala's wages without the opportunity to oppose the motion
7 and potentially assert any applicable exemptions under California wage garnishment law.²

8 **Therefore, defendant and her husband are ordered to appear at the virtual hearing before**
9 **the undersigned on Wednesday, September 1, 2021 at 10:00 AM.** Should defendant wish to
10 continue the hearing to a later date, she may file a request showing good cause for a short
11 continuance.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The Clerk of Court is instructed to update defendant Gina Savala's address of record to
14 372 Florin Road, #142, Sacramento, CA 95831;
- 15 2. Defendant Savala shall file with the court a confirmation of her current mailing address;
- 16 3. Defendant Savala and her husband shall appear at the virtual hearing before the
17 undersigned on Wednesday, September 1, 2021 at 10:00 AM;
- 18 4. Plaintiff shall serve a copy of the Withholding Motion and all supporting papers (ECF
19 No. 58) on defendant at her last known email address; and
- 20 5. The Clerk of Court is instructed to serve defendant Savala a copy of this Order both to her
21 new Florin Road address of record, and to 78 Heritage Wood Circle, Sacramento, CA
22 95831.

23 Dated: August 20, 2021

24 
25 CAROLYN K. DELANEY
26 UNITED STATES MAGISTRATE JUDGE

26 19.thre.1727

27 ² For an overview of some of the wage garnishment laws that might apply in this case, see
28 generally Choice Hotels Int'l, Inc. v. Penta Denver, LLC, No. 13MC80249WHAJSC, 2015 WL
3830691 (N.D. Cal. June 19, 2015).