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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

ZURICH AMERICAN INSURANCE
COMPANY OF ILLINOIS,

Plaintiff,

v.

ACCUIRE, LLC and DOES 1 to 100,
inclusive,

Defendants.

Case No. 2:18-cv-02065-JAM-AC

**ORDER ON APPLICATION FOR
APPEARANCE AND
EXAMINATION RE
ENFORCEMENT OF JUDGMENT
OF JUDGMENT DEBTOR
ACCUIRE, LLC AND
COMPELLING PRODUCTION OF
DOCUMENTS**

Judge: Hon. Allison Claire
Ctm: 26, 8th Floor
Hearing Date: December 16, 2020
Hearing Time: 10:00 a.m.

Complaint Filed: July 28, 2018

The Court entered judgment on October 21, 2019, 2020, against Defendant/Judgment Debtor ACCUIRE, LLC (“ACCUIRE”) after granting the motion for summary judgment by Plaintiff/Judgment Creditor ZURICH AMERICAN INSURANCE COMPANY OF ILLINOIS (“ZURICH”) (Docs. 20 and 21), and amended said judgment on December 16, 2019 after granting ZURICH’s motion to amend (Docs. 30 and 31). On November 2, 2020, the Ninth Circuit affirmed the judgment and denied ACCUIRE’s appeal. (Doc. 33).

1 Pursuant to ZURICH's Application for Appearance and Examination re
2 Enforcement of Judgment ("Debtor's Exam") of Judgment Debtor ACCUIRE and
3 Order Compelling Production of Documents, and Federal Rule of Civil Procedure
4 69(a)(1), and California Code of Civil Procedure §§ 708.030, 708.110, and
5 708.150(a), the Court issues the following orders:

6 THE COURT NOW ORDERS AS FOLLOWS:

- 7 1. The corporate representative(s) designated per Cal. Code of Civ. Proc. §
8 708.150(a) & (c) of Judgment Debtor ACCUIRE shall appear personally
9 on **Wednesday, December 16, 2020, at 10:00 a.m. in Courtroom 26,**
10 **on the 8th Floor of the United District Court for the Eastern District**
11 **of California, Sacramento Division, 501 I Street, Sacramento, CA**
12 **95814** for a Debtor's Examination to furnish information to aid in
13 enforcement of a money judgment by answering questions. Additionally,
14 **at least 2 court days before** the date for the examination, ACCUIRE
15 shall provide to ZURICH's counsel legible copies of all pertinent
16 documents regarding ACCUIRE's assets, bank accounts, investment
17 accounts, contracts, business relationships, accounts receivable, personal
18 property, real property, and other debts, including the following: account
19 statements for each and every bank account, investment account and
20 pension and/or retirement account (for the last two years); a list of all
21 clients, including client names, addresses, emails, telephone numbers and
22 contact persons; all current client contracts; invoices to clients with
23 outstanding balances owed; accounts receivable documentation including
24 the name and contact information for each client owing ACCUIRE and
25 the amount owed; profit and loss statements (for the last two years);
26 balance sheets (for the last two years); any real property deeds; personal
27 property ownership documents and/or purchase receipts; assignments of
28 right to payment; documents identifying subsidiary or parent companies

1 (for the last seven years); payroll documentation (for the last two years);
2 IRS forms 941 and 940 (for the last two years); federal and state tax
3 returns (for the last two years); lines of credit and/or loans (for the last
4 two years); documents regarding other outstanding debts, judgments,
5 attachments, or liens; documents regarding all other assets and/or sources
6 of income not already included above (for the last two years); list(s)
7 (including contract information) of all shareholders, directors and
8 corporate officers for the last seven years; agreements and documentation
9 regarding any corporate or membership shares, rights, or lines of business
10 purchased or sold in the last seven years; agreements, communications
11 and other documents regarding any business transactions between
12 ACCUIRE and any of the following: ALEX CAMPOS; AMAZING
13 INSURANCE, INC.; MICHAEL DIMANNO; SAMUEL HALE, LLC;
14 BEAN TEAM NETWORK; BEAN TEAM NETWORK II; CHARLES
15 MUSGROVE; CAPM HOLDINGS, LLC; KAISERKANE
16 CONSULTING, INC.; MELISSA OGLESBY; GARDNER
17 INVESTMENT HOLDINGS, LLC; RICHARD J. GARDNER;
18 VFORCE, INC.; VF STAFFING, LLC; V.F. STAFFING, LLC;
19 VFORCE STAFFING SOLUTIONS, MARK NOBILI; MANI
20 KONTOKANIS; VIK JAIN; GERALD ANDERTON; CORTECH, LLC.

21 2. Alternatively, given the Eastern District's orders restricting personal
22 appearances at the Court due to the ongoing Covid-19 pandemic, the
23 Court orders the representative(s) per Cal. Code of Civ. Proc. §
24 708.150(a) for **Judgment Debtor ACCUIRE and ZURICH's counsel**
25 **to appear telephonically or by videoconference before the Magistrate**
26 **on Wednesday, December 16, 2020 at 10 a.m., and after said hearing,**
27 **ZURICH's counsel shall conduct the Debtor's examination of**
28 **ACCUIRE's § 708.150(a) representative(s) by videoconference**

1 **service Zoom, providing the videoconference link to ACCUIRE or its**
2 **counsel before the examination.** This alternative order is mandatory if
3 personal appearances are not allowed at the courthouse due to Covid-19,
4 and may be stipulated to by counsel, even if personal appearances are
5 allowed. In the event personal appearance is allowed at the time of the
6 examination, the parties shall notify the Court of any stipulation for
7 telephonic/videoconference appearance and Zoom examination at least
8 seven days before the scheduled examination date. ACCUIRE is also
9 ordered to produce legible copies of the following documents to Zurich's
10 counsel **at least 2 court days prior** to the examination: account
11 statements for each and every bank account, investment account and
12 pension and/or retirement account (for the last two years); a list of all
13 clients, including client names, addresses, emails, telephone numbers and
14 contact persons; all current client contracts; invoices to clients with
15 outstanding balances owed; accounts receivable documentation including
16 the name and contact information for each client owing ACCUIRE and
17 the amount owed; profit and loss statements (for the last two years);
18 balance sheets (for the last two years); any real property deeds; personal
19 property ownership documents and/or purchase receipts; assignments of
20 right to payment; documents identifying subsidiary or parent companies
21 (for the last seven years); payroll documentation (for the last two years);
22 IRS forms 941 and 940 (for the last two years); federal and state tax
23 returns (for the last two years); lines of credit and/or loans (for the last
24 two years); documents regarding other outstanding debts, judgments,
25 attachments, or liens; documents regarding all other assets and/or sources
26 of income not already included above (for the last two years); list(s)
27 (including contract information) of all shareholders, directors and
28 corporate officers for the last seven years; agreements and documentation

1 regarding any corporate or membership shares, rights, or lines of business
2 purchased or sold in the last seven years; agreements, communications
3 and other documents regarding any business transactions between
4 ACCUIRE and any of the following: ALEX CAMPOS; AMAZING
5 INSURANCE, INC.; MICHAEL DIMANNO; SAMUEL HALE, LLC;
6 BEAN TEAM NETWORK; BEAN TEAM NETWORK II; CHARLES
7 MUSGROVE; CAPM HOLDINGS, LLC; KAISERKANE
8 CONSULTING, INC.; MELISSA OGLESBY; GARDNER
9 INVESTMENT HOLDINGS, LLC; RICHARD J. GARDNER;
10 VFORCE, INC.; VF STAFFING, LLC; V.F. STAFFING, LLC;
11 VFORCE STAFFING SOLUTIONS, MARK NOBILI; MANI
12 KONTOKANIS; VIK JAIN; GERALD ANDERTON; CORTECH, LLC.

- 13 3. ACCUIRE is advised per California Code of Civil Procedure §
14 708.150(c) that ACCUIRE must designate to appear and be examined
15 one or more officers, directors, managing agents, or other persons who
16 are familiar with its property and debts, pursuant to § 708.150(a).
- 17 4. The following notice is also provided pursuant to California Code of
18 Civil Procedure § 708.110(e):

19
20 **NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL**
21 **TO APPEAR AT THE TIME AND PLACE**
22 **SPECIFIED IN THIS ORDER, YOU MAY BE**
23 **SUBJECT TO ARREST AND PUNISHMENT FOR**
24 **CONTEMPT OF COURT AND THE COURT MAY**
25 **MAKE AN ORDER REQUIRING YOU TO PAY**
26 **THE REASONABLE ATTORNEY'S FEES**
27 **INCURRED BY THE JUDGMENT CREDITOR IN**
28 **THIS PROCEEDING.**

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DATED: November 17, 2020



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE