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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

A. LEE and LINDA BIANCUR; LA RUE W. BEAN; ALLEN J. MURPHY; and ROBERT and GAIL SCHLENZIG; on Behalf of Themselves and all Others Similarly Situated,

Plaintiffs,

v.

JOHN A. HICKEY; MAMIE TANG; PILLSBURY MADISON & SUTRO; HICKEY, DUNN & SWAN; and D.E. FREY, A Broker-dealership and Member of the National Association of Securities Dealers, on Behalf of Itself and as a Representative of a Class of Broker Dealers,

Defendants.

No. 95-CV-02145-WHA (JSC)

CLASS ACTION

~~PROPOSED~~ ORDER RESETTING DATES FOR DEFENDANT JOHN A. HICKEY TO COMPLETE AND SUBMIT JUDGMENT DEBTOR QUESTIONNAIRE AND TO APPEAR FOR A JUDGMENT DEBTOR'S EXAMINATION

1 Having considered the *ex parte* papers filed by Plaintiffs and judgment creditors for an
2 Order resetting the dates for defendant John A. Hickey (“Hickey”) to appear for a judgment
3 debtor’s examination and to complete and submit a Judgment Debtor Questionnaire, filed on
4 September 4, 2014, and having considered all papers filed and proceedings conducted herein
5 and for good cause shown,

6 **IT IS HEREBY ORDERED THAT:**

7 Plaintiffs and judgment creditors’ *Ex Parte* Application to Reset Dates for Defendant
8 John A. Hickey to Complete and Submit a Judgment Debtor Questionnaire and to Appear for a
9 Judgment Debtor’s Examination (“Application”) is **GRANTED**.

10 The Judgment Debtor Examination previously scheduled for September 5, 2014 is
11 **VACATED**.

12 DEFENDANT HICKEY IS HEREBY ORDERED to appear personally on
13 **November 4, 2014 at 10:00 a.m.** to furnish information to aid in enforcement of the money
14 judgment against Hickey in the above-captioned case (the “Examination”), at the following
15 address:

16 **United States District Court for the Northern District of California**
17 **450 Golden Gate Avenue, Courtroom F, 15th Floor,**
18 **San Francisco, CA 94102**

19 Subject to the supervision of the Court, Plaintiffs’ counsel shall conduct the
20 Examination. Plaintiffs’ counsel shall arrange for and bear the cost of a court reporter to attend
21 and stenographically record the examination.

22 The following notice is also hereby given, in accordance with California’s Enforcement
23 of Judgments Law (Cal. Civ. Proc. Code § 708.110(e)):

24 **NOTICE TO JUDGMENT DEBTOR. If you fail to appear at the time**
25 **and place specified in this Order, you may be subject to arrest and**
26 **punishment for contempt of court and the Court may make an order**
27 **requiring you to pay the reasonable attorney’s fees incurred by the judgment**
28 **creditor in this proceeding.**

1 **IT IS FURTHER ORDERED** that, no later than October 21, 2014, defendant Hickey
2 will complete, execute under penalty of perjury, and deliver to Plaintiffs' counsel at the address
3 listed below, the form of Judgment Debtor Questionnaire attached hereto as Exhibit A (the
4 "Questionnaire"). Defendant Hickey will complete the Questionnaire fully and accurately and
5 under penalty of perjury.

6 The address to which Hickey must submit the completed and executed Questionnaire is:

7 Berman DeValerio
8 One California Street, Suite 900
9 San Francisco CA 94111.

9 **IT IS SO ORDERED.**

10 DATED: Sept. 4, 2014

11 
12 HONORABLE JACQUELINE SCOTT CORLEY
13 UNITED STATES MAGISTRATE JUDGE

EXHIBIT A

JUDGMENT DEBTOR QUESTIONNAIRE

This statement is to be completed by the judgment debtor. If in business as a sole proprietor, partner, family farmer, or self-employed professional, the judgment debtor should provide the information requested on this statement concerning all such activities, as well as personal affairs.¹

If the answer to a question is "None," or the question is not applicable, state "None." If additional space is needed for the answer to any question, attach a separate sheet properly identified with the case name, case number, and the number of the question. All responses submitted in answer to this questionnaire, whether on the form provided or on a separate sheet of paper or any other supplemental form are made under penalty of perjury under the laws of the United States and the State of California.

I. JUDGMENT DEBTOR INFORMATION

1. Name of judgment debtor: _____
2. Address of judgment debtor: _____
3. Judgment debtor's date of birth; _____
4. Judgment debtor's Social Security number: _____
5. Judgment debtor's Driver's License number: _____
6. Judgment debtor's occupation: _____
7. Is the judgment debtor employed by someone else? _____ If so, give name, address and phone number of employer and judgment debtor's salary or income: _____

8. Is the judgment debtor self-employed? _____ If so, give name, address and phone number of business and judgment debtor's salary or income: _____

9. Is the judgment debtor married? _____ If so, give spouse's full name (including any maiden name, if applicable): _____

10. Was the judgment debtor married before his or her current marriage? _____ If so, give the name and address of each former spouse, the date of marriage and the date of divorce or death: _____

¹ "In business" means the judgment debtor is or has been, within the two years preceding August 27, 2014, any of the following: an officer, director, managing executive, or person in control of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

11. Is the judgment debtor a partner in a domestic partnership or civil union registered or formed in California, another state or another country? _____ If so, give the partner's full name (including any alias), the date the domestic partnership was registered or formed and the state or country of registration or formation:

12. Was the judgment debtor a partner in a previous domestic partnership or civil union? _____ If so, give the name and address of each former partner, the date of registration or formation of the domestic partnership or civil union and the date of divorce, termination or death: _____

13. Does the judgment debtor have any children? _____ If so, give the name, age and address of each: _____

14. Does the judgment debtor live in a home? _____ If so, who owns it? _____

15. Does the judgment debtor have any boarders or tenants? _____ If so, give the name and address of each and the amount of rent or other consideration paid each month: _____

16. Has the judgment debtor filed a federal or state income tax return for each of the last five years? _____ If so, provide copies of each tax return with your response.

II. FINANCIAL STATEMENT

1. Income from employment or operation of business

State the gross amount of income the judgment debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to August 27, 2014. State also the gross amounts received during the two years immediately preceding this calendar year.

AMOUNT	SOURCE (if more than one)

2. Income other than from employment of operation of business

State the amount of income received by the judgment debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding August 27, 2014.

AMOUNT	SOURCE (if more than one)

3. Suits and administrative proceedings, executions, garnishment and attachments

List all suits and administrative proceedings to which the judgment debtor is or was a party within one year preceding August 27, 2014.

CAPITON OF SUIT OR CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION

4. Gifts

List all gifts or charitable contributions made by the judgment debtor within one year preceding to August 27, 2014, except ordinary and usual gifts to family members aggregating less than \$200 in value per individual and charitable contributions aggregating less than \$100 per recipient.

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT

5. Losses

List all losses from fire, theft, other casualty or gambling within one year preceding August 27, 2014.

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTIONS OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS

6. Other transfers

List all other property, other than property transferred in the ordinary course of business or financial affairs of the debtor, transferred either absolutely or as security within one year preceding August 27, 2014.

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED

7. Closed financial accounts

List all financial accounts and instruments held in the name of the judgment debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year preceding to August 27, 2014. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions.

NAME AND ADDRESS OF INSTITUTION	TYPE AND NUMBER OF ACCOUNT AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING

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8. Safe deposit boxes

List each safe deposit box or other box or depository in which the judgment debtor has or had securities, cash, or other valuables or has had access to within one year preceding August 27, 2014.

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO THE BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY

9. Property held by another person

List all property held by another person that the judgment debtor owns or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY

10. Prior address(es) of judgment debtor

If the debtor has moved within the two years immediately preceding August 27, 2014, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case.

ADDRESS	NAME USED	DATES OF OCCUPANCY

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11. Name, location and nature of business

Please list the names and addresses of all businesses in which the judgment debtor is, or has been, an officer, director, partner or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional, within two years immediately preceding August 27, 2014, or in which the judgment debtor owned five percent (5%) or more of the voting or equity securities within the two years preceding August 27, 2014.

NAME	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES OF OPERATION

12. Books, records and financial statements

a. List all bookkeepers and accountants who within the six years preceding August 27, 2014, kept or supervised the keeping of the judgment debtor's books of account and records.

NAME AND ADDRESS	DATES SERVICES RENDERED

b. List all firms or individuals who within the two years preceding August 27, 2014, have audited the books of account and records, or prepared a financial statement for the judgment debtor.

NAME	ADDRESS	DATES AND SERVICES RENDERED

c. List all firms or individuals who as of August 27, 2014, were in possession of the judgment debtor's books of account and records and where such books of accounts and records are located. If any of the books of account and records are not available, explain.

NAME	ADDRESS

d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two years preceding August 27, 2014.

NAME AND ADDRESS	DATE ISSUED

13. Inventories

a. List the dates of the last two inventories taken of the judgment debtor's property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)

b. List the name and address of the person having possession of the records of each of the two inventories reported in (a.), above.

DATE OF INVENTORY	NAME AND ADDRESS OF CUSTODIAN OF INVENTORY RECORDS

14. Current partners, officers, directors and shareholders

a. If the judgment debtor is a partner, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST

b. If the judgment debtor is a shareholder in a statutory close corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds five percent (5%) or more of the voting securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP

15. Debts owed to Judgment Debtor

Does anyone owe the judgment debtor money? _____ If so, furnish complete details: _____

16. Bankruptcy

Has the judgment debtor ever filed for bankruptcy? _____ If so, furnish complete details: _____

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III. INTERESTS IN PROPERTY

A. Real Property. List all real property in which the judgment debtor has any legal, equitable, or future interest, including all properly owned by a co-tenant, community property, or in which the judgment debtor has a life estate. Include any property in which the judgment debtor holds rights or property exercisable for the judgment debtor’s own benefit. If the judgment debtor is married, state whether the husband, wife, or both of them own the property by placing an “H,” “W,” or “C” in the column labeled “Husband, Wife, Joint, or Community.” If the judgment debtor holds no interest in real property, write “None” under “Description and Location of Property.” If any entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. If no entity claims to hold a secured interest in the property, write “None” in the column labeled “Amount of Secured Claim.”

DESCRIPTION AND LOCATION OF REAL PROPERTY	NATURE OF DEBTOR’S INTEREST IN REAL PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT MARKET VALUE OF JUDGMENT DEBTOR’S INTEREST IN PROPERTY (WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION)	AMOUNT OF SECURED CLAIM

B. Personal Property. List all of the judgment debtor’s personal property of whatever kind, itemize and give particulars for each category. If the judgment debtor has no property in one or more of the categories, state “None.”

1. Cash on hand.

2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives

3. Security deposits with public utilities, telephone companies, landlords, and others.

4. Household goods and furnishings, including audio, video, and computer equipment.

5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.

6. Furs and jewelry.

7. Annuities. Itemize and name each insurer.

8. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plan.

9. Firearms, sports, photographic, and/ other hobby equipment.

10. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.

11. Stock and interests in incorporated and unincorporated businesses.

12. Interests in partnerships or joint ventures.

13. Government and corporate bonds and other negotiable and non-negotiable instruments.

14. Accounts receivable.

15. Alimony, maintenance, support, and property settlements to which the judgment debtor is or may be entitled.

16. Other liquidated debts owing debtor including tax refunds.

17. Equitable or future interest, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.

18. Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.

19. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.

20. Patents, copyrights, and other intellectual property.

21. Licenses, franchises, and other general intangibles.

22. Automobiles, trucks, trailers, and other vehicles and accessories.

23. Boats, motors and accessories.

24. Aircraft and accessories.

25. Office equipment, furnishings, and supplies.

26. Machinery, fixtures, equipment and supplies used in business.

27. Inventory.

28. Animals.

29. Crops - growing or harvested.

30. Farming equipment and implements.

31. Farm supplies, chemicals, and feed.

32. Other personal property of any kind not already listed.

I declare under penalty of perjury pursuant to the laws of the United States of America and the State of California that the foregoing responses, and any supplement statements submitted concurrently herewith, are true and correct.

Executed at _____ on _____.

Judgment Debtor

(PRINT NAME)