

1 Muriel B. Kaplan, Esq. (SBN 124607)  
2 Shaamini A. Babu, Esq. (SBN 230704)  
3 Julie A. Ostil, Esq. (SBN 215202)  
4 SALTZMAN & JOHNSON LAW CORPORATION  
5 44 Montgomery St., Suite 2110  
6 San Francisco, CA 94104  
7 (415) 882-7900  
8 (415) 882-9287 – Facsimile  
9 mkaplan@sjlawcorp.com  
10 jostil@sjlawcorp.com  
11 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

1 KEN WALTERS and JOHN BONILLA, in  
2 their respective capacities as Trustees of the  
3 OPERATING ENGINEERS HEALTH AND  
4 WELFARE TRUST FUND FOR NORTHERN  
5 CALIFORNIA, et al.,

6 Plaintiffs,  
7 v.  
8 GOLDEN GATE CRANE & RIGGING, INC.,  
9 Defendant.

10 KEN WALTERS and JOHN BONILLA, in  
11 their respective capacities as Trustees of the  
12 OPERATING ENGINEERS HEALTH AND  
13 WELFARE TRUST FUND FOR NORTHERN  
14 CALIFORNIA, et al.,

15 Plaintiffs,  
16 v.  
17 GOLDEN GATE CRANE & RIGGING, INC.,  
18 ROBERT NEWBERRY, SUE NEWBERRY,  
19 et al.,  
20 Defendants.

Case No.: C06-1906 WHA [DMR]

Consolidated With

Case No.: C06-5396 WHA [DMR]

**[PROPOSED] AMENDED ORDER  
SETTING DEBTOR'S EXAMINATION  
ROBERT NEWBERRY, IN HIS  
CAPACITY AS AN OFFICER OF  
JUDGMENT DEBTOR GOLDEN GATE  
CRANE & RIGGING, INC. AS MODIFIED**

/// **[PROPOSED] ORDER SETTING GOLDEN GATE CRANE & RIGGING, INC. DEBTOR'S EXAMINATION  
CASE NO.: C06-1906 WHA [DMR] & C06-5396 WHA [DMR]**

G:\DMRALL\CASES\CIVIL\2006 CLOSED\Consolidated cases 06.1906.WHA and 06.5396.WHA.Walters et al\FILED.06-1906 Amended Order Setting Golden Gate Crane & Rigging Judgment Debtor's Exam 011712.DOC

1 Pursuant to Order Re Plaintiffs' Request for Reconsideration of January 3, 2012 Order  
2 (Docket No. 151), and Good Cause Appearing therefore,

3 IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

4 1. Robert Newberry, as an officer of Judgment Debtor Golden Gate Crane & Rigging,  
5 Inc. shall personally appear on **April 25, 2012 at 9:30 a.m.** at Oakland Courthouse, Courtroom 4 -  
6 3rd Floor, 1301 Clay Street, Oakland, CA 94612, California before the Magistrate Judge Donna  
7 M. Ryu then and there to be examined on oath concerning Judgment Debtor's property or other  
8 matters material to the proceeding.

9 2. Judgment Creditors shall personally serve Robert Newberry, officer of Judgment  
10 Debtor Golden Gate Crane & Rigging, Inc., with a copy of this Order and shall provide proof of  
11 such service to the Court not less than five (5) days before the Judgment Debtor Examination.

12 3. Should Judgment Debtor fail or refuse to appear at the Judgment Debtor  
13 Examination herein scheduled, or to produce the documents pursuant to F.R.C.P. 34, this Court  
14 may certify the facts of the Judgment Debtor's contempt to the District Court pursuant to 28  
15 U.S.C. § 636(e), and the District Court may adjudicate Judgment Debtor guilty of civil contempt  
16 of its orders and may issue a warrant or seizure order to compel compliance with this Order.

17 DATED this 17th day of January, 2012



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19 UNITED STATES MAGISTRATE JUDGE  
20 DONNA M. RYU  
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