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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

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Plaintiff,

Case No. C06-80104 MISC

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v.

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PETER J. YOO,

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Defendant,

**WRIT OF CONTINUING
GARNISHMENT**

15

and

16

THORACIC CARDIOVASCULAR
INSTITUTE,

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Garnishee.

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TO: Payroll Department
THORACIC CARDIOVASCULAR INSTITUTE
405 WEST GREENLAWN AVENUE, # 400
LANSING, MI 48910

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YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF
THE UNITED STATES OF AMERICA THE WAGES, SALARY, OR COMMISSION IN
YOUR CUSTODY, CONTROL, OR POSSESSION IN WHICH THE DEFENDANT-
JUDGMENT DEBTOR HAS AN OWNERSHIP INTEREST.

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The name and last known address of the person who is the defendant-
judgment debtor (hereinafter "debtor") in this action and whose property is subject to

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1 this Writ are as follows:

2 PETER J. YOO
3 2017 Belwood Dr.
4 Okemos, MI 48864

5 This Writ has been issued at the request of the United States of America to
6 enforce the collection of a civil judgment entered in favor of the United States against
7 the debtor for a defaulted student loan in the amount of \$65,062.20. There is a
8 balance of \$102,972.58 due on the judgment, which amount includes costs and
9 interest computed through 02/06/09.

10 The following are the steps that you must take to comply with this Writ. If you
11 have any questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,
13 or possession any property of the debtor, including wages, salary, or commissions, in
14 which the debtor has a substantial nonexempt interest, or if you obtain custody,
15 control, or possession of such property while this Writ is in effect, you must
16 immediately withhold such property from the debtor and retain it in your possession
17 until you receive instructions from the Court which will tell you what to do with the
18 property. The United States has requested that the sum of 25% of the debtor's
19 disposable earnings, which under California law represents the nonexempt portion of
20 the debtor's earnings, be withheld from the defendant's earnings.

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ
22 within 10 days after service of this Writ upon you. You must answer the Writ even if
23 you do not have in your custody, control, or possession any property of the debtor.

24 Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following
25 information:

26 a. Whether or not you have in your custody, control, or possession, any
27 property owned by the debtor in which the debtor has a substantial

- 1 nonexempt interest, including nonexempt, disposable earnings;
- 2 b. a description of such property and the value of such property;
- 3 c. a description of any previous garnishments to which such property is
- 4 subject and the extent to which any remaining property is not exempt;
- 5 and
- 6 d. the amount of the funds you anticipate owing to the debtor in the future
- 7 and whether the period for payment will be weekly or another specified
- 8 period.

9 For your convenience, a form which addresses the above-requested information is
10 attached and may be used to Answer the Writ.

11 3. After you complete the answer under oath, pursuant to 28 U.S.C. §
12 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you
13 must mail or deliver the original Answer bearing the original signature of the person
14 preparing the answer to the Court at the following address:

15 Clerk, United States District Court
16 450 Golden Gate Avenue, 16th Floor
17 P. O. Box 36060
San Francisco, CA 94102

18 At the same time that you mail or deliver the original answer to the Court, you must
19 also mail or deliver a copy of the original Answer to both the debtor and attorney for
20 the United States at the following respective addresses:

21 PETER J. YOO
22 2017 Belwood Dr.
Okemos, MI 48864

23 Michael Cosentino, Attorney at Law
24 P.O. Box 129
Alameda, CA 94501

25 Please note that the attached form Answer contains a certificate of service which
26 needs to be completed by the person mailing the copies of the answer to the debtor
27 and the attorney for the United States, and which needs to be filed along with the

1 Answer.

2 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY
3 IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE
4 COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO
5 ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH
6 THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO
7 APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY
8 WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR
9 THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY
10 (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO
11 AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND
12 AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED
13 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO
14 APPEAR.

15 RICHARD W. WIEKING, Clerk
16 United States District Court
17 for the Northern District of California

18 Dated: FEB 17 2009

19 By: 
Deputy Clerk

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1 DO NOT WITHHOLD THE EXEMPT PORTION OF THE EMPLOYEE'S EARNINGS

2 1. Earnings include any money (whether called wages, salary, commissions,
3 bonuses, or anything else) paid for personal services, pension, or retirement.
4 Vacation or sick pay is earnings subject to withholding as it is *received* by the
employee.

5 2. Disposable earnings are different from gross pay or take-home pay. They
6 are the earnings left after deducting the part which state or federal law requires an
7 employer to withhold as mandatory deductions. Generally, these mandatory
8 deductions are federal income tax, social security (FICA) tax, state income tax, state
disability insurance, and payments to public employee retirement systems.
Disposable earnings can change from pay period to pay period, whenever gross pay
or required deductions change.

9 To determine earnings that¹ are eligible for withholding, and therefore must be
withheld, see the chart below.

10 USE THE CHART BELOW TO DETERMINE NONEXEMPT DISPOSABLE
11 EARNINGS AND THE APPLICABLE WITHHOLDING AMOUNT¹ :

| 12 | Pay Period: | Weekly or oftener | Every 2 weeks | Twice a month | Once a month |
|----|-----------------------------|--|-------------------------|-------------------------|---------------------------|
| 14 | Disposable earnings: | \$ 0 to \$199.50 | \$ 0 to \$399.00 | \$ 0 to \$432.25 | \$ 0 to \$864.50 |
| 15 | Withhold: | Nothing (entire earnings are exempt) | | | |
| 17 | Disposable earnings: | \$199.51 to \$266.00 | \$399.01 to \$532.00 | \$432.26 to \$576.33 | \$864.51 to \$1,152.67 |
| 19 | Withhold: | Amt. over \$199.50 | Amt. over \$399.00 | Amt. over \$432.25 | Amt. over \$864.50 |
| 22 | Disposable earnings: | \$266.01 or more | \$532.01 or more | \$576.34 or more | \$1,152.68 or more |
| 23 | Withhold: | 25% of disposable earnings (balance is exempt) | | | |

27 ¹Based on the Federal Minimum Wage Earnings of \$6.55 an hour, effective 07/24/2008