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 8 ELIZABETH GREWAL

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12  
 13 ELIZABETH GREWAL,  
 14 Plaintiff/Judgment Creditor,  
 15 v.  
 16 AMIT CHOUDHURY,  
 17 Defendant/Judgment Debtor.

CASE NO. C-07-4218 CRB (JL)

~~PROPOSED~~ ORDER FOLLOWING  
 JUDGMENT DEBTOR'S FAILURE TO  
 APPEAR AT THE SCHEDULED  
 JUDGMENT DEBTOR'S EXAMINATION  
 ON NOVEMBER 12, 2008

(Hon. James Larson, Magistrate Judge)

1 WHEREAS, on October 10, 2008, this Court issued an Order to Appear for Examination to  
2 Defendant and Judgment Debtor Amit Choudhury (“Choudhury”), commanding Choudhury to  
3 appear for a judgment debtor examination on October 29, 2008;

4 On October 13, 2008, Choudhury was served personally with the Order to Appear for  
5 Examination and with a Notice to Attend and Produce Documents at Debtor’s Examination, dated  
6 October 13, 2008 (Att. A hereto);

7 On October 27, 2008, this Court, by order of Magistrate Judge James Larson, ordered that  
8 the judgment debtor examination be continued from October 29 to November 12, 2008 at 10:30  
9 A.M., at the United States District Court, Northern District of California, 450 Golden Gate Avenue,  
10 San Francisco, California 94102; and

11 On November 12, 2008, Choudhury failed to appear for the judgment debtor examination, as  
12 required by the Court’s order of October 27, 2008.

13 CHOU DHURY HAVING FAILED TO APPEAR for the judgment debtor examination, the  
14 Court, on November 12, 2008, conducted a hearing to address the non-appearance. E. Jeffrey  
15 Banchemo, of Kastner | Banchemo LLP, appeared on behalf of Plaintiff and Judgment Creditor,  
16 Elizabeth Grewal; Gregory Nuti, of Schnader Harrison Segal & Lewis LLP, appeared on behalf of  
17 Defendant and Judgment Debtor, Amit Choudhury;

18 NOW, the Court, having heard and considered arguments by counsel and the record in this  
19 matter, and FOR GOOD CAUSE APPEARING, hereby ORDERS as follows:

- 20 1. As directed by the Court at the November 12, 2008, hearing and in its minute entry of  
21 the same date (Doc. No. 188), Choudhury is required to submit to the Court no later  
22 than November 14, 2008, a declaration, executed under penalty of perjury, detailing  
23 his travel itinerary and whereabouts between November 12, 2008, and December 16,  
24 2008, for the purpose of resetting the judgment debtor examination.
- 25 2. Choudhury shall appear for a judgment debtor examination on December 17, 2008,  
26 at 10:30 A.M. The examination shall take place at the United States District Court,  
27 Northern District of California, 450 Golden Gate Avenue, San Francisco, California  
28 94102, in Room F on Floor 15.

1 3. Choudhury shall produce documents called for by the Notice to Attend and Produce  
2 Documents at Debtor's Examination, dated October 13, 2008, on or before  
3 December 10, 2008, by causing the documents to be delivered to the offices of  
4 judgment creditor's counsel.


5 4. Until further order of the Court, Choudhury is forbidden, other than in the ordinary  
6 course of business (a) from transferring or assigning to any third-party any assets that  
7 he owns, possesses, or controls; and (b) from causing or permitting the transfer or  
8 assignment of any assets owned, possessed, or controlled by entities in which  
9 Choudhury holds an interest or controlling interest, whether in the United States,  
10 Canada, or elsewhere in the world. Such prohibited transfers include, but are not  
11 limited to, transfers of any assets or property of Pinnacle Partners, Inc.; Pinnacle  
12 Partners, Inc. (Canada); Pinnacle Partners Systems, Inc.; Pinnacle Partners AG;  
13 Pinnacle Partners Blue Licensing, GmbH; Pinnacle Partners Grey Licensing GmbH;  
14 Pinnacle Partners DE, GmbH; and Pinnacle Partners CH, GmbH, whether such  
15 transfers are characterized as loan repayments, expense reimbursements, salaries, or  
16 some other kind of transfer. Choudhury is further forbidden from transferring or  
17 assigning the settlement or any proceeds of the settlement between Pinnacle Partners,  
18 Inc. and Alante Corporation, which he identified during his testimony at the trial of  
19 this matter (Trial Transcript pp. 805:22 – 808:14, Att. B hereto).

20 IT IS SO ORDERED.

21 Date: November 20, 2008

  
22 Hon. James Larson, Chief Magistrate Judge

23  
24  
25 APPROVED AS TO FORM:

26   
27 Kevin W. Coleman  
28 Schnader Harrison Segal & Lewis LLP