

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) E. Jeffrey Banchemo (SBN 93077) The Banchemo Law Firm LLP 20 California Street, 7th Floor San Francisco, California 94111 TELEPHONE NO: 415 398-7000 FAX NO: 415 616-7000 ATTORNEY FOR (Name): Judgment Creditor Elizabeth Grewal		FOR COURT USE ONLY FILED FEB 18 2009 RICHARD W. WIRKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
NAME OF COURT: United States District Court, N.D. California STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94104 BRANCH NAME:		
PLAINTIFF: Elizabeth Grewal DEFENDANT: Amit Choudhury		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input type="checkbox"/> Judgment Debtor <input checked="" type="checkbox"/> Third Person		

ORDER TO APPEAR FOR EXAMINATION

- TO (name): Chrisotpher Wanger, Manatt Phelps & Phillips, LLP
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - furnish information to aid in enforcement of a money judgment against you.
 - answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment. *9:30 A.M.*

Date: February 25, 2009 Time: 10:00 A.M. Dept. or Div.: Rm.: Courtroom F, 15th Floor
 Address of court shown above is:

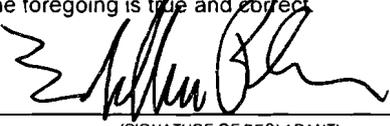
3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: *2-13-09* 
 JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for examination.
IMPORTANT NOTICES ON REVERSE
JAMES LARSON
U.S. CHIEF MAGISTRATE JUDGE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- Judgment creditor Assignee of record Plaintiff who has a right to attach order applies for an order requiring (name): Christopher L. Wanger, Manatt Phelps & Phillip to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - the judgment debtor.
 - a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: _____
 E. Jeffrey Banchemo 
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

(Continued on reverse)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

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

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

1 E. JEFFREY BANCHERO (SBN 93077)
ejb@bancherolaw.com
2 SCOTT R. RABER (SBN 194924)
srr@bancherolaw.com
3 THE BANCHERO LAW FIRM LLP
4 20 California Street, Seventh Floor
San Francisco, California 94111
5 Telephone: (415) 398-7000
Facsimile: (415) 616-7000
6
7
8
9
10

FILED

FEB 13 2009

**RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 ELIZABETH GREWAL,
12
13 Plaintiff/Judgment Creditor,
14 v.
15 AMIT CHOUDHURY,
16 Defendant/Judgment Debtor
17
18
19
20
21
22
23
24
25
26
27
28

CASE NO. C-07-4218 CRB (JL)
**DECLARATION OF E. JEFFREY
BANCHERO IN SUPPORT OF
PLAINTIFF/JUDGMENT CREDITOR'S
APPLICATION FOR ORDER FOR
APPEARANCE AND EXAMINATION**

(Before Magistrate Judge James Larson)

1 I, E. JEFFREY BANCHERO, hereby declare:

2 1. I am an attorney admitted to practice before the courts of the State of California and
3 counsel representing plaintiff and judgment creditor Elizabeth Grewal in this action. I submit this
4 declaration pursuant to California Code of Civil Procedure § 491.110 in support of Plaintiff and
5 Judgment Creditor's Application for Appearance and Examination. I have personal knowledge of
6 the facts herein and could testify competently to these facts if called to do so.

7 2. On December 23, 2008, this Court issued an Amended Turnover Order In Aid of
8 Execution Following Judgment Debtor's Examination. The turnover order (¶5(d)) directed the
9 judgment debtor, Amit Choudhury to transfer to the United States Marshall "Any and all monies
10 held in trust by law firms representing Choudhury" or a series of companies, including Amisil
11 Holdings Limited, including monies held in trust by "the following law firms: ... (ii) Manatt
12 Phelps & Philips"

13 3. Following the issuance of the turnover order, Choudhury testified at a judgment-
14 debtor examination and produced documents to the effect that he caused assets to be pledged to a
15 fund in Chicago that resulted in the Manatt firm receiving \$200,000 for the prosecution of an
16 action brought in San Francisco Amisil Holdings Limited against Clarium Capital Management.
17 According to Choudhury's testimony, the Manatt firm is authorized to draw an additional
18 \$300,000 from the fund because of the pledge.

19 4. It is my belief that the judgment creditor has a right to these funds, because Amisil
20 Holdings Limited is the alter ego of the defendant, Choudhury. In addition, according to
21 Choudhury's testimony, the funds are the product of a pledge of the proceeds of a settlement
22 agreement with one of Choudhury's companies, Pinnacle Partners, Inc., that was also subject to
23 this Courts turnover order. See Turnover Order ¶5 (b), which requires Choudhury to transfer to the
24 U.S. Marshall "All proceeds of the settlement between Pinnacle Partners, Inc. and Allante
25 Corporation."

26 5. For these reasons, I believe the Manatt firm is in possession of "property in which
27 the defendant has an interest," as set forth in California Code of Civil Procedure § 491.110.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. I have named Christopher L. Wanger, a member of the Manatt firm, in the Application for Appearance and Examination, because I am informed that Mr. Wanger is one of the lawyers at Manatt representing Amisil Holdings Limited in its action against Clarium Capital Management.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of February, 2009, at San Francisco, California.


E. Jeffrey Banchemo