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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIMO HOSTING, et al.,)	
)	
Plaintiffs,)	No. C 08-2474 BZ
)	
v.)	ORDER GRANTING PLAINTIFF'S
)	MOTION TO SET ASIDE THE
MIKHAIL FIKS, et al.,)	AUCTION
)	
Defendants.)	
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Before the Court is plaintiffs' Limo Hosting Inc. and Oleg Gridnev ("plaintiffs" or "Judgment Debtor") Motion to Set Aside Auction on the grounds that Judgment Creditor Mikhail Fiks' ("Fiks") failed to abide by the California legal requirements for an auctioneer contained in California Civil Code § 1812.600 et seq.

Neither side addressed such important issues as whether this statute, which appears to govern professional auctioneers, applies to someone executing a federal court turnover order by auctioning off one of the seized assets or whether, assuming the statute applies and was violated, the remedy is to overturn the auction or to proceed against the

1 auctioneer.

2 That said, I am concerned about the fairness of some of
3 the Judgment Creditor's auction procedures. The domain names
4 were sold to Fiks after a single bid of \$100.00. Yet, Fiks
5 required potential bidders to submit a cash bond of \$2,500.00
6 before participating in the sale, and refused to accept credit
7 cards as a form of payment for the auctioned goods.

8 In the interest of fairness, I find that the public
9 auction which occurred on December 12, 2010, must be set
10 aside.

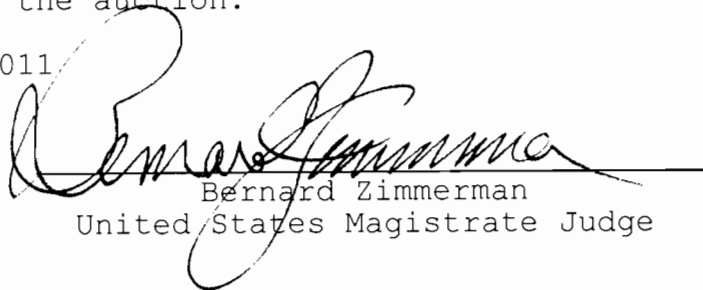
11 **IT IS THEREFORE ORDERED AS FOLLOWS:**

12 1. Plaintiffs' Motion to Set Aside Auction is **GRANTED**.

13 2. Judgment Creditor Fiks shall hold another public
14 auction for the sale of the domain names <www.limohosting.com>
15 and <www.limolinkexchange.com> pursuant to the Turnover Order
16 dated June 28, 2010.

17 3. By **February 9, 2011**, Judgment Debtor and Judgment
18 Creditor shall stipulate to appropriate bidding procedure,
19 which shall apply to the auction.

20 Dated: February 2, 2011

21 
22 Bernard Zimmerman
23 United States Magistrate Judge

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25 SET ASIDE AUCTION.wpd

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