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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IO GROUP, INC.,
Plaintiff,
v.
ANTELOPE MEDIA, LLC, et al.,
Defendants

No. C-08-4050 MMC
**ORDER DENYING PLAINTIFF'S
APPLICATION FOR TURNOVER ORDER**

Before the Court is plaintiff IO Group, Inc.'s Ex Parte Application for Turnover Order in Aid of Execution, filed July 20, 2010.

In its application, plaintiff, a judgment creditor, seeks an order directing judgment debtors to turn over to plaintiff directly certain domain names registered to judgment debtors. Plaintiff relies on § 699.040 of the California Code of Civil Procedure, applicable to the instant action pursuant to Rule 69(a) of the Federal Rules of Civil Procedure.

The relief sought by plaintiff, however, is unavailable under § 699.040, California's "general turnover statute." See Palacio Del Mar Homeowners Ass'n, Inc. v. McMahon, 174 Cal. App. 4th 1386, 1391 (2009). Specifically, § 699.040 "does not allow a turnover to the judgment creditor," but only to a "levying officer." See id. Moreover, § 699.040 "limits itself to tangible property," and "[d]omain name registration[s]" constitute intangible property. See id. (holding judgment creditor "cannot rely" on § 699.040 in seeking turnover of domain

1 name registrations).

2 Accordingly, the application is hereby DENIED.

3 **IT IS SO ORDERED.**

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5 Dated: July 28, 2010

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MAXINE M. CHESNEY
United States District Judge

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