

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IGUAÇU, INC.,

No. C 09-0380 RS

Plaintiff,

v.

**ORDER RE MOTION FOR
ASSIGNMENT ORDER**

ANTONIO CABRERA MANO FILHO,

Defendant.

Pursuant to Civil Local Rule 7-1(b), plaintiff’s motion for an assignment order is suitable for disposition without oral argument and the hearing set for August 7, 2014 is vacated. The parties are in agreement that this court lacks jurisdiction to direct assignment of assets outside U.S. territory. As such, no order can be entered with respect to any sums that are or may become payable to defendant in Brazil. Plaintiff explicitly has limited its request to defendant’s “U.S.-based assets.”

While defendant, in turn, does not contest that plaintiff would be entitled to assignment of money he might be due from United States entities in the Archer Daniels Midland family, at least where payable here, he insists there are no such obligations presently existing or likely ever to arise. Defendant contends the arbitration proceeding with ADM involve only foreign entities. Defendant has not shown, however, why plaintiff would not be entitled to assignment of any domestic payment rights that might arise.

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The parties are therefore directed to meet and confer as to a form of an assignment order that is appropriately narrowed to reach only any assets within the jurisdiction of the court. If no such assets exist or will come into existence as a result of the ADM arbitration proceedings, entry of such an order will not prejudice defendants.

The parties shall submit a joint proposed order within 20 days of the date of this order. In the event they are unable to reach agreement, they may submit alternative proposals under explanatory cover letters not to exceed 3 pages each.

IT IS SO ORDERED.

Dated: 8/4/14


RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE