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CLERK OF COURT
NORTHERN DISTRICT OF CALIFORNIA

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E-filing

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 INCREDIBLE ADVENTURES, INC., a
13 corporation,

14 Plaintiff,

15 v.

16 VINCENT BACKEN, an individual; JOANNE
17 KEUNE aka JOANNE KEUNE BACKEN, an
18 individual; and WHITE HOLLY
19 EXPEDITIONS, LLC, a limited liability
20 company,

21 Defendants.

CV 10 1389

JSW

IN ADMIRALTY

~~PROPOSED~~ ORDER FOR
ISSUANCE OF PROCESS OF
MARITIME ATTACHMENT AND
GARNISHMENT

[F.R.C.P. Supp. Admiralty Rule B]

22 WHEREAS, on April 1, 2010, Plaintiff Incredible Adventures, Inc. ("IA" or "Plaintiff")
23 by and through its counsel of record filed a Verified Complaint in the Northern District of
24 California, seeking attachment of all tangible and intangible property in whatever form within
25 this District, including an such property held by any garnishee, which belong to defendants
26 VINCENT BACKEN, JOANNE KEUNE aka JOANNE KEUNE BACKEN, and/or WHITE

1 HOLLY EXPEDITIONS, LLC (“Defendants”) or are due and owing to Defendants, including,
2 but not limited to:

- 3 A. Vincent Backen’s accounts, funds, deposits, or other monies held by Wells
4 Fargo Bank, 715 Bridgeway Street, Sausalito, California, 94965, including,
5 but not limited to, funds held in account number 8429580070.
- 6 B. Joanne Keune aka Joanne Keune Backen’s accounts, funds, deposits, or
7 other monies held by Wells Fargo Bank, 715 Bridgeway Street, Sausalito,
8 California, 94965.
- 9 C. Vincent Backen and Joanne Keune aka Joanne Keune Backen joint
10 accounts, funds, deposits, or other monies held by Wells Fargo Bank, 715
11 Bridgeway Street, Sausalito, California, 94965.
- 12 D. White Holly Expeditions, LLC’s funds, deposits, or other monies held by
13 Wells Fargo Bank, 715 Bridgeway Street, Sausalito, California, 94965.

14
15 in the amount of \$150,000 pursuant to Rule B of the Supplemental Rules for Admiralty or
16 Maritime Claims and Asset Forfeiture Actions; and

17 WHEREAS, the Process of Maritime Attachment and Garnishment would command the
18 United States Marshal or other designated process server to attach any and all of the Defendants’
19 property within the District of this Court; and

20 WHEREAS, the Court has reviewed the Declaration of Mark K. de Langis filed
21 concurrently herewith and finds that the conditions for a maritime attachment and garnishment
22 pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims and asset
23 Forfeiture Actions appear to exist as of the 1st day of April, 2010, by the United States District
24 Court for the Northern District of California., it is hereby

1 ORDERED, that the Clerk shall issue Process of Maritime Attachment and Garnishment
2 against all tangible or intangible property belonging to, or claimed by, or being held for the
3 Defendants by any garnishee within this District, including, but not limited to:

4 A. Vincent Backen's accounts, funds, deposits, or other monies held by Wells Fargo
5 Bank, 715 Bridgeway Street, Sausalito, California, 94965, including, but not limited
6 to, funds held in account number 8429580070.

7 B. Joanne Keune aka Joanne Keune Backen's accounts, funds, deposits, or other
8 monies held by Wells Fargo Bank, 715 Bridgeway Street, Sausalito, California,
9 94965.

10 C. Vincent Backen and Joanne Keune aka Joanne Keune Backen joint accounts, funds,
11 deposits, or other monies held by Wells Fargo Bank, 715 Bridgeway Street,
12 Sausalito, California, 94965.

13 E. White Holly Expeditions, LLC's funds, deposits, or other monies held by Wells
14 Fargo Bank, 715 Bridgeway Street, Sausalito, California, 94965.

15 up to the amount prayed for in the Complaint pursuant to Rule B of the Supplemental Rules for
16 Admiralty or Maritime Claims and Asset Forfeiture Actions; and it is further

17 ORDERED, that the Plaintiff notify the Defendants that an attachment against them has
18 commenced which they are required to defend; and it is further

19 ORDERED, that any person claiming an interest in the property attached or garnished
20 pursuant to this Court's Order shall, upon application to the Court, be entitled to a prompt
21 hearing at which the Plaintiff shall be required to show cause why the maritime attachment and
22 garnishment should not be vacated or other relief granted; and it is further

23 ORDERED, that supplemental process specifying other or additional garnishees
24 enforcing this Court's Order may be issued by the Clerk upon application without further Order
25 of the Court; and it is further
26


1 ORDERED, that following the initial service by the United States Marshal or other
2 designated process server upon each garnishee, supplemental service of the Process of Maritime
3 Attachment and Garnishment, as well as this Court's Order, may be made by way of facsimile
4 transmission or email; and it is further

5 ORDERED, that service on any garnishee as described above is deemed continuous
6 throughout the day, from the time of such service through the opening of the garnishee's
7 business the next business day; and it is further

8 ORDERED, that pursuant to the Federal Rules of Civil Procedure Rule 5(b)(2)(F), each
9 garnishee may consent, in writing, to accept service by any other means; and it is further

10 ORDERED, that a copy of this Order be attached to and served with each Process of
11 Maritime Attachment and Garnishment issues by the Clerk.

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13
14 DATED: May 27
15 April __, 2010


UNITED STATES DISTRICT JUDGE

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20 Presented by:

21 LUCAS VALLEY LAW

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23 _____
24 Mark K. de Langis
25 Attorneys for Plaintiff
26 INCREDIBLE ADVENTURES, INC.