

1 ERSKINE & TULLEY
 A PROFESSIONAL CORPORATION
 2 MICHAEL J. CARROLL (St. Bar #50246)
 3030 Bridgeway, Suite 231
 3 Sausalito, CA 94965
 Telephone: (415) 729-9006
 4 FAX: (415) 729-9023

5 Attorneys for Plaintiffs

6

7

8

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

9

10

11	BOARD OF TRUSTEES OF THE BAY AREA)	NO. C 11 3358 JCS
	ROOFERS HEALTH, et al.,)	
12)	
	Plaintiffs,)	
13)	(PROPOSED)
	vs.)	<u>ORDER OF EXAMINATION</u>
14)	
	ELLIOTT AND ELLIOTT CO., etc.,)	
15)	
	Defendant.)	
16	_____)	

17 To: Mark Elliott, Custodian of Records of
 Corporate Judgment Debtor
 18 Elliott and Elliott Co.
 745 Kevin Court
 19 Oakland, CA 94621

20 You the above named custodian of records and officer of
 21 judgment debtor ARE HEREBY ORDERED to appear personally on May 17,
 22 2013 at 9:00 a.m. at 450 Golden Gate Avenue, Courtroom G, 15th Floor,
 23 San Francisco, CA 94102 before Magistrate Judge Joseph C. Spero then
 24 and there to be examined on oath concerning your property or other
 25 matters material to the proceedings.

26 You are ordered to bring with you the following documents:

- 27 1. The corporation's bylaws, share register and minute
 28 book;

- 1 2. Title documents to all equipment and vehicles of debtor;
- 2 3. All lists and schedules of rented, leased and owned
- 3 equipment of debtor;
- 4 4. Copies of all real property and personal property leases
- 5 wherein debtor is a party;
- 6 5. Copies of all tax bills, deeds, contracts, deeds of
- 7 trust or deposit receipts relating to all real and personal property
- 8 in which any interest is held;
- 9 6. Last Annual Financial Statement and all monthly
- 10 financial statements for 2012 and 2013;
- 11 7. Federal tax return for the last year reported;
- 12 8. All bank statements, deposit slips and canceled checks
- 13 for all accounts for January 2013 to the present;
- 14 9. The last tax return filed with the Franchise Tax Board;
- 15 10. Copies of all purchase orders, change orders accepted
- 16 bids, and contracts which relate in any way to work performed by
- 17 debtor during the period from November 1, 2012 to date;
- 18 11. All accounts receivable lists generated by the Company
- 19 in 2012 and 2013;
- 20 12. Cash Disbursement Journals for 2012 and 2013;
- 21 13. All documents related to any loans to debtor or by
- 22 debtor by any present or former shareholders, officers or employees
- 23 of debtor;
- 24 14. All documents related to any completed, pending or
- 25 failed sale of substantially all corporate assets during the last
- 26 three years; and
- 27 15. All personal guarantees made by any officer, agent or
- 28 shareholder for the benefit of debtor.

1 NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL TO APPEAR AT THE
2 TIME AND PLACE SPECIFIED IN THIS ORDER, YOU MAY BE SUBJECT TO ARREST
3 AND PUNISHMENT FOR CONTEMPT OF COURT AND THE COURT MAY MAKE AN ORDER
4 REQUIRING YOU TO PAY THE REASONABLE ATTORNEYS' FEES INCURRED BY THE
5 JUDGMENT CREDITOR IN THIS PROCEEDING.

6 Dated: 4/10/13

7
8 Magis  Spero
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

