

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-Filed 11/18/11

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

UNITED STATES OF AMERICA,

No. C 11-80009 RS

Plaintiff,

v.

**ORDER DENYING APPLICATION
FOR JUDGMENT DEBTOR
EXAMINATION**

LUIS E. SANCHEZ,

Defendant.

Plaintiff United States of America registered with the Clerk of this Court the default judgment against defendant Luis Sanchez entered by a district court in the Central District of California. The United States subsequently filed an application seeking an order requiring Sanchez to appear for a judgment debtor examination at the district court in Oakland, California. Pursuant to Federal Rule of Civil Procedure 69(a)(1): "The procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies." In California, a court may not require a debtor to attend an examination outside the county in which he or she resides or has a place of business, unless the court is located within 150 miles of the person's residence or place of business. *See* Cal. Code Civ. Proc. § 708.160(b).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In the declaration in support of its application, the United States submits only that Sanchez resides “in the County of Los Angeles within 150 miles of the place of examination.” Based on this information, the Court may not order Sanchez to appear in the Northern District of California. Moreover, when the debtor resides in the same county in which the judgment is entered, the proper court for the examination is the one that entered judgment. *See* Cal. Code Civ. Proc. § 708.160(a). Accordingly, the application for an order requiring Sanchez to appear for a judgment debtor examination is denied.

IT IS SO ORDERED.

Dated: 11/18/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE