

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

STANLEY BLACK & DECKER, INC.;)	Case No. 12-cv-04516-SC
and THE BLACK & DECKER)	
CORPORATION,)	ORDER GRANTING PLAINTIFF'S
)	APPLICATION FOR NAMES TO BE
Plaintiffs,)	<u>ADDED TO WRIT OF EXECUTION</u>
)	
v.)	
)	
D&L ELITE INVESTMENTS, LLC; BAY)	
INTERNATIONAL; BILLY DENG; and)	
WEISHEN LUO,)	
)	
Defendants.)	
)	
)	

This is a copyright infringement and unfair competition action. Defendants have declined to participate in this matter, and at least one of them has fled to China. See ECF No. 167 ("Magistrate Rpt.") at 9-12. The Court entered default judgment in favor of Plaintiffs and against defendants D&L Elite Investments, LLC; Billy Deng; and Weishen Luo on July 28, 2014. See ECF Nos. 169 ("DJ Order"), 170 ("DJ"). Plaintiffs have filed an affidavit of identity to enforce the amended judgment to add additional names for Defendants.

Under Federal Rule of Civil Procedure 69(a), "[t]he procedure

1 on execution -- and in proceedings supplementary to and in aid of
2 judgment or execution -- must accord with the procedure of the
3 state where the court is located." Fed. R. Civ. P. 69(a). Under
4 California Code of Civil Procedure Section 669.510, "a writ of
5 execution shall be issued in the name of the judgment debtor as
6 listed on the judgment" but "may include the additional name or
7 names by which the judgment debtor is known as set forth in the
8 affidavit of identity, as defined in Section 680.135, filed by the
9 judgment creditor with the application for issuance of the writ of
10 execution." Cal. Code Civ. Proc. § 699.510(c)(1). A court must
11 approve the affidavit of identity before additional names may be
12 included on the writ of execution. See id. "If the court
13 determines, without a hearing or a notice, that the affidavit of
14 identity states sufficient facts upon which the judgment creditor
15 has identified the additional names of the judgment debtor, the
16 court shall authorize the issuance of the writ of execution with
17 the additional name or names." Id.

18 Plaintiffs seek to add several aliases of the three defendants
19 against which the Court entered judgment. Plaintiffs have
20 submitted the required affidavit. See ECF No. 186 ("Keats Aff.").
21 For the most part, the additional names and aliases Plaintiffs seek
22 to add are merely alternate spellings, names using abbreviations,
23 reordered names, and names that include (or omit) middle names.
24 See id. Plaintiffs have also attached records from PayPal
25 indicating that Defendants used these additional names in
26 conjunction with the transactions at issue in this case. See Keats
27 Aff. Exs. A-E. The records also show that Defendants supplied the
28 same addresses for those alternate names. Id. Finally, Plaintiffs

1 provide the results of Lexis Comprehensive Person Reports as
2 evidence of the names and aliases used by Defendants Weishen Luo
3 and Billy Deng. Id. Exs. D-E. The Court concludes that the
4 affidavit and attached exhibits state sufficient facts justifying
5 the inclusion of the names Plaintiffs request.

6 Accordingly, pursuant to California Code of Civil Procedure
7 Section 680.135, and good cause showing, it is ORDERED that the
8 term "Judgment Debtors" include the names and aliases below, and
9 may be added to the Writs of Execution of the Amended Judgment:

10

11 1) For Defendant D&L Elite Investments, LLC d/b/a G Bay
12 International:

- 13 a. D&L Elite Investments LLC
14 b. G Bay
15 c. G Bay Inc
16 d. G International inc
17 e. Gb
18 f. Gbay company LLC
19 g. GBay International Inc
20 h. GreenBay Company LLC
21 i. D & L ELITE INVESTMENTS LLC
22 j. G BAY COMPANY LLC
23 k. G BAY INTERNATIONAL INC.
24 l. G. BAY INTERNATIONAL, INC.

25

26 2) For Defendant Weishen Luo:

- 27 a. SUNDY LUO
28 b. WEI LUO

- 1 c. WEI S LUO
2 d. WEIAHEN LUO
3 e. WEISHEN WILSON LUO
4 f. WEI-SHEN LUO
5 g. WETSHEN LUO
6 h. WEI SHEN LUO
7 i. LUO WEISHEN
8 j. WEISHEN WILSON LUO
9
10 3) For Defendant Billy Deng:
11 a. BILLY Q BENG
12 b. QUAN B BENG
13 c. QUAN BIN BENG
14 d. B QUANBIN DENG
15 e. BILL DENG
16 f. BILL T DENG
17 g. BILL TANG DENG
18 h. BILLY B DENG
19 i. BILLY Q DENG
20 j. BILLY QUAN DENG
21 k. BILLY QUANBIN DENG
22 l. Q DENG
23 m. QUAN DENG
24 n. QUANBIN DENG
25 o. QUANBIN B DENG
26 p. QUANBIN BIN DENG
27 q. QUANBIN DENG
28 r. BILLY DENG QUANBIN

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s. BILLY QUANBIN
t. BILL Q YANG

IT IS SO ORDERED.

Dated: March 6, 2015


UNITED STATES DISTRICT JUDGE