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5 Attorneys for Plaintiff
 6 ALLEGHENY CASUALTY COMPANY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO

11
 12 ALLEGHENY CASUALTY COMPANY,
 13 a Pennsylvania Corporation,

14 Plaintiff,

15 v.

16 LEGG, INC., a California corporation;
 17 ROBERT LEGG, an individual; SHEILA
 18 LEGG, an individual, LEONARD
 19 D’ORAZIO, an individual and trustee of
 20 The D’Orazio Family Trust, CHRISTINE
 D’ORAZIO, an individual and trustee of
 The D’Orazio Family Trust, and THE
 D’ORAZIO FAMILY TRUST dated
 October 14, 2008,

21 Defendants.

Case No. 3:13-cv-00697-NC **JSW**

~~PROPOSED~~ TEMPORARY PROTECTIVE ORDER

Dept.: Ctrm. A, 15th Fl.
 Judge: Hon. ~~Nathanael Cousins~~
Jeffrey S. White

22 The Court considers the ex parte application for right to attach order and order for
 23 issuance of writ of attachment by plaintiff Allegheny Casualty Company (“Allegheny”) on
 24 property of defendants Legg, Inc., Robert Legg, Sheila Legg, Leonard D’Orazio, Christine
 25 D’Orazio, and The D’Orazio Family Trust and its trustees, Leonard D’Orazio and Christine
 26 D’Orazio, (collectively, “Defendants”).

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1 **FINDINGS**

2 Having considered the papers, and any argument as the Court deems necessary, the Court
3 hereby finds as follows:

4 1. Legg, Inc. is a corporation, The D'Orazio Family Trust is a trust, Robert Legg,
5 Sheila Legg, Leonard D'Orazio, Christine D'Orazio are natural persons, and Leonard D'Orazio,
6 Christine D'Orazio are also sued in their capacity as trustee of the The D'Orazio Family Trust.

7 2. Attachment is sought to secure recovery on a claim upon which attachment may
8 issue pursuant to California Code of Civil Procedure section 483.010.

9 3. Allegheny established the probable validity of all the claims on which the writ of
10 attachment would issue.

11 4. Great and irreparable injury to Allegheny will result if this order is not issued,
12 based on danger that the property sought to be attached will be concealed or made unavailable to
13 levy by other than concealment or substantial impairment in value.

14 5. ~~The requirements of Code of Civil Procedure section 485.220 are satisfied, but a~~
15 ~~temporary protective order should issue instead of an ex parte right to attach order and order for~~
16 ~~issuance of writ of attachment.~~

17 6. Allegheny must file an undertaking in the amount of \$10,000 before a temporary
18 protective order shall issue, ^{when Allegheny has filed proof of an undertaking in that amount.} ~~and Allegheny has filed an undertaking in that amount.~~

19 7. The property subject to the following order is described on Attachment "A".

20 **ORDER**

21 THE COURT ORDERS:

22 A. The Court orders Defendants Legg, Inc., Robert Legg, Sheila Legg, Leonard
23 D'Orazio, Christine D'Orazio, and The D'Orazio Family Trust and its trustees, Leonard D'Orazio
24 and Christine D'Orazio shall not transfer, directly or indirectly, any interest in the property
25 described on Attachment "A".

26 B. This Order shall expire at the earliest of the following times:

27 a. When Allegheny levies upon specific property described in this Order,

28 b. ~~After (date)~~ upon the disposition of the application for writ of attachment,

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c. ~~40 days after the issuance of this Order.~~

C. The number of pages attached to this Order is: 4.

IT IS SO ORDERED.

Dated: March 5 2013



Plaintiff shall serve the ex parte application for writ of attachment on all defendants by 5:00 p.m. on March 5, 2013. An opposition to the application shall be filed by March 11, 2013. A reply shall be filed by March 15, 2013. The Court shall hear the application for writ of attachment on March 22, 2013 at 9:00 a.m.

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17 D'ORAZIO, an individual and trustee of
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18 D'ORAZIO, an individual and trustee of
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19 D'ORAZIO FAMILY TRUST dated
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Case No. 3:13-cv-00697-NC

JSW

ATTACHMENT "A" TO EX PARTE
APPLICATION FOR RIGHT TO ATTACH
ORDER, ORDER FOR WRIT OF
ATTACHMENT OR TEMPORARY
PROTECTIVE ORDER

Dept.: Ctrm. A, 15th Fl.

Judge: Hon. ~~Nathanael Cousins~~

Jeffrey S. White

ATTACHMENT "A"

The property of Defendants subject to attachment and/or temporary protective order is described as follows:

I. Legg, Inc.

a. All of Legg, Inc.'s corporate property, which is subject to attachment pursuant to subdivision (a) of Code of Civil Procedure section 487.010.

b. All of Legg, Inc.'s corporate property in the hands of its officers, Robert Legg or Leonard D'Orazio.

II. The D'Orazio Family Trust

a. All of The D'Orazio Family Trust's property, which is subject to attachment pursuant to subdivision (a) of Code of Civil Procedure section 487.010.

b. All of The D'Orazio Family Trust's property in the hands of its trustees, Leonard D'Orazio and Christine D'Orazio.

III. Robert Legg and Christine Legg

a. Any and all interests held in accounts receivable, chattel paper, and general intangibles arising out of conduct of a trade, business, or profession, except any such claim with a principal balance of less than one hundred fifty dollars (\$150.00).

b. Any and all interests held in any money judgment or settlement proceeds otherwise payable to Defendant in any pending court case, arbitration, mediation, hearing, administrative proceeding, or other proceeding.

c. Any and all interests held in equipment.

d. Any and all interests held in farm products

e. Any and all interests held in inventory.

f. Any and all interests held in money on the premises where a trade, business or profession is conducted by the defendant and, except for the first one thousand dollars (\$1,000), money located elsewhere than on such premises and deposit accounts.

g. Any and all interests held by the defendant in community property that would be subject to enforcement of judgment in this lawsuit.

1 h. Any and all interests in real property, except leasehold estates with
2 unexpired terms of less than one year, including, but not limited to:

- 3 • APN 97-130-2-3: 2551 2nd St., Livermore, CA 94550, County of
4 Alameda, California
- 5 • APN 99-1374-25: 4361 Technology Dr., Unit D, Livermore, CA
6 94551, County of Alameda, California
- 7 • APN 99-1362-30: 2927 Danielle Lane, Livermore, CA, County of
8 Alameda, California

9 i. Negotiable documents of title, instruments, securities.

10 j. Any and all right, title and interest in any monies due or to become due
11 under any policy of insurance, including, but not limited to, claims under any policy of insurance,
12 including builder's risk, fire, employee dishonesty or workers' compensation insurance policies,
13 and any premium refunds related thereto.

14 k. Any and all other assets not subject to California exemptions within
15 Defendant's possession, custody, or control.

16 l. All partnership interest together with all now existing or hereafter arising
17 rights of Defendant to receive distributions of payment from such partnership(s), whether in cash
18 or in kind, and whether such distributions or payment are on account of an interest as a partner,
19 creditor, or otherwise.

20 **IV. Leonard D'Orazio and Christine D'Orazio**

21 a. Any and all interests held in accounts receivable, chattel paper, and general
22 intangibles arising out of conduct of a trade, business, or profession, except any such claim with a
23 principal balance of less than one hundred fifty dollars (\$150.00).

24 b. Any and all interests held in any money judgment or settlement proceeds
25 otherwise payable to Defendant in any pending court case, arbitration, mediation, hearing,
26 administrative proceeding, or other proceeding.

27 c. Any and all interests held in equipment.

28 d. Any and all interests held in farm products

- 1 e. Any and all interests held in inventory.
- 2 f. Any and all interests held in money on the premises where a trade, business
3 or profession is conducted by the defendant and, except for the first one thousand dollars
4 (\$1,000), money located elsewhere than on such premises and deposit accounts.
- 5 g. Any and all interests held by the defendant in community property that
6 would be subject to enforcement of judgment in this lawsuit.
- 7 h. Any and all interests in real property, except leasehold estates with
8 unexpired terms of less than one year, including, but not limited to:
- 9 • APN 97-130-2-3: 2551 2nd St., Livermore, CA 94550, County of
10 Alameda, California
 - 11 • APN 99-1374-25: 4361 Technology Dr., Unit D, Livermore, CA
12 94551, County of Alameda, California
 - 13 • APN 201141016: 308 Rutherford Drive, Danville, CA, County of
14 Contra Costa, California
- 15 i. Negotiable documents of title, instruments, securities.
- 16 j. Any and all right, title and interest in any monies due or to become due
17 under any policy of insurance, including, but not limited to, claims under any policy of insurance,
18 including builder's risk, fire, employee dishonesty or workers' compensation insurance policies,
19 and any premium refunds related thereto.
- 20 k. Any and all other assets not subject to California exemptions within
21 Defendant's possession, custody, or control.
- 22 l. All partnership interest together with all now existing or hereafter arising
23 rights of Defendant to receive distributions of payment from such partnership(s), whether in cash
24 or in kind, and whether such distributions or payment are on account of an interest as a partner,
25 creditor, or otherwise.
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