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 10 Telecommunications, LLC; Southwestern Bell
 Telephone Company; Illinois Bell Telephone
 11 Company; Indiana Bell Telephone Company,
 Incorporated; Nevada Bell Telephone Company; The
 12 Ohio Bell Telephone Company; and Wisconsin Bell,
 Inc.

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

17 Pacific Bell Telephone Company,
 BellSouth Telecommunications, LLC,
 18 Southwestern Bell Telephone Company,
 Illinois Bell Telephone Company, Indiana
 19 Bell Telephone Company, Incorporated,
 Nevada Bell Telephone Company, The
 20 Ohio Bell Telephone Company, The
 Southern New England Telephone
 21 Company, and Wisconsin Bell, Inc.,

22 Plaintiffs,

23 v.

24 88 Connection Corporation,
 25 Defendant.

Case No: 3:15-mc-80135-LB

**~~[PROPOSED]~~ ORDER GRANTING
 JUDGMENT CREDITORS' MOTION TO
 CONTINUE EXAMINATIONS OF SIMON
 WONG, SENIOR OFFICER OF
 JUDGMENT DEBTOR 88 CONNECTION
 CORPORATION, AND CHARLIE ZHAO,
 PRESIDENT AND/OR CHIEF EXECUTIVE
 OFFICER OF JUDGMENT DEBTOR 88
 CONNECTION CORPORATION**

1 **INTRODUCTION**

2 On May 15, 2015, Pacific Bell Telephone Company, BellSouth Telecommunications,
3 LLC, Southwestern Bell Telephone Company, Illinois Bell Telephone Company, Indiana Bell
4 Telephone Company, Incorporated, Nevada Bell Telephone Company, The Ohio Bell Telephone
5 Company, and Wisconsin Bell, Inc. (hereinafter referred to as “the AT&T ILECs” or “Judgment
6 Creditors”) registered a Foreign Judgment. ECF No. 1. The Foreign Judgment is a court order
7 issued by the United States District Court for the Southern District of California, San Diego
8 Division, Civil Action No. 13-cv-01157-L-KSC entering a default judgment against 88
9 Connection Corporation in the amount of Four Million Thirteen Thousand Four Hundred Fifty-
10 Nine Dollars (\$4,013,459.00). On July 29, 2015, this Court issued an Abstract of Judgment.
11 ECF No. 5. On August 5, 2015, the AT&T ILECs filed an Application for an Order for the
12 Appearance and Examination of Charlie Zhao, President and/or Chief Executive Officer of
13 Judgment Debtor 88 Connection Corporation, and Mr. Zhao was examined on September 23,
14 2015. ECF No. 15.

15 On November 4, 2015, the AT&T ILECs filed an Application for the debtor exams of
16 Simon Wong, an officer of 88 Connection, and an additional examination of Mr. Zhao, which the
17 Court granted on November 6, 2015. ECF Nos. 16-18. The debtor exams were scheduled for
18 December 8 and 9, 2015 (Dkt. 18). However, the AT&T ILECs were unable to effectuate
19 personal service on Mr. Wong or Mr. Zhao, despite numerous attempts, and duly informed the
20 Court that the December 8 and 9, 2015 hearing dates should be postponed. On December 4,
21 2015, the Court ordered that Mr. Wong and Mr. Zhao appear for debtor exam hearings on
22 February 23 and February 24, 2016, respectively. ECF No. 22. On February 17, 2016, at the
23 request of the AT&T ILECs, the Court continued those hearing dates to May 16, 2016 and May
24 17, 2016, respectively. ECF No. 25. To date, the AT&T ILECs have been unable to effectuate
25 any personal service on Mr. Wong or Mr. Zhao.

26 **DISCUSSION**

27 Debtor examination proceedings “permit the judgment creditor to examine the judgment
28 debtor, or third persons who have property of or are indebted to the judgment debtor, in order to

1 discover property and apply it toward the satisfaction of the money judgment.” *Imperial Bank*
2 *v. Pim Elec., Inc.*, 33 Cal. App. 4th 540, 546-57, 39 Cal. Rptr. 2d 432, 437 (1995); *Alcalde v. NAC*
3 *Real Estate Invs. & Assignments, Inc.*, 580 F. Supp. 2d 969, 970 (C.D. Cal. 2008). A judgment
4 for money entered by a district court may be registered in any other district court once the
5 judgment is final by filing a certified copy of such judgment in the other district. 28 U.S.C. §
6 1963. Under California law, all assets of a judgment debtor are subject to enforcement except as
7 otherwise provided by law. Cal. Civ. Proc. Code § 695.010(a).

8 Rule 69(a)(1) of the Federal Rules of Civil Procedure provides in pertinent part: “[t]he
9 procedure on execution – and in proceedings supplementary to and in aid of judgment or
10 execution – must accord with the procedure of the state where the court is located, but a federal
11 statute governs to the extent that it applies.” Rule 69(a)(2) of the Federal Rules of Civil
12 Procedure provides in pertinent part: “[i]n aid of the judgment or execution, the judgment creditor
13 or a successor in interest whose interest appears of record may obtain discovery from any person
14 – including the judgment debtor — as provided in these rules or by the procedure of the state
15 where the court is located.” In turn, Section 708.110 of the California Code of Civil Procedure
16 provides:

17 (a) The judgment creditor may apply to the proper court for an order requiring
18 the judgment debtor to appear before the court, or before a referee appointed by
19 the court, at a time and place specified in the order, to furnish information to aid in
enforcement of the money judgment.

20 (b) If the judgment creditor has not caused the judgment debtor to be examined
21 under this section during the preceding 120 days, the court shall make an order
upon ex parte application of the judgment creditor.

22 (c) If the judgment creditor has caused the judgment debtor to be examined
23 under this section during the preceding 120 days, the court shall make the order if
24 the judgment creditor by affidavit or otherwise shows good cause for the order.
The application shall be made on noticed motion if the court so directs or a court
rule requires. Otherwise, it may be made ex parte.

25 (d) The judgment creditor shall personally serve a copy of the order on the
26 judgment debtor not less than 10 days before the date set for examination. Service
27 shall be made in the manner specified in Section 415.10. Service of the order
creates a lien on the personal property of the judgment debtor for a period of one
year from the date of the order unless extended or sooner terminated by the court.

28 (e) The order shall contain the following statement in 14-point boldface type if
printed or in capital letters if typed: NOTICE TO JUDGMENT DEBTOR. If you

1 fail to appear at the time and place specified in this order, you may be subject to
2 arrest and punishment for contempt of court and the court may make an order
3 requiring you to pay the reasonable attorney's fees incurred by the judgment
4 creditor in this proceeding.

5 Cal Civ. Proc. Code § 708.110 (a)-(e). Section 708.160(b) of the California Code of Civil
6 Procedure also provides that: “[a] person sought to be examined may not be required to attend an
7 examination before a court located outside the county in which the person resides or has a place
8 of business unless the distance from the person’s place of residence or place of business to the
9 place of examination is less than 150 miles.”

10 The Court finds that the AT&T ILECs have satisfied the requirements of 28 U.S.C.
11 § 1963 because the AT&T ILECs filed a certified copy of the order of the United States District
12 Court for the Southern District of California, San Diego Division, with this Court to obtain
13 enforcement of that court’s judgment in the amount of \$4,013,459.00. ECF No. 1. Additionally,
14 the AT&T ILECs’ application sets forth the showing required by Federal Rule of Civil Procedure
15 69(a)(2) and the applicable provisions of the California Code of Civil Procedure §§ 708.110 and
16 708.160.

17 On May 10, 2016, the AT&T ILECs and Judgment Creditors filed an Ex Parte
18 Application to Continue Examinations of Simon Wong, Senior Officer of Judgment Debtor 88
19 Connection Corporation, and Charlie Zhao, President and/or Chief Executive officer of judgment
20 debtor 88 Connection Corporation. Judgment Creditors requested an extension on the basis that
21 Mr. Wong and Mr. Zhao have not been personally served and additional time is needed to
22 effectuate personal service and investigate other potentially viable avenues to do so.

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. The prior hearing dates for the examinations of Mr. Simon Wong and Mr. Charlie
25 Zhao, respectively, are hereby vacated. ECF No. 25.
- 26 2. Mr. Simon Wong, Senior Officer of Judgment Debtor 88 Connection Corporation,
27 shall appear personally on **August 22, 2016, at 9:30 a.m. in Courtroom C on**
28 **the 15th Floor of the United States District Courthouse, located at 450**
Golden Gate Avenue, Phillip Burton Federal Building, San Francisco,

1 **California 94102**, to furnish information to aid in the enforcement of a money
2 judgment by answering questions about 88 Connection Corporation and its real
3 and personal property;

4 3. Mr. Charlie Zhao, President and/or Chief Executive Officer of Judgment Debtor
5 88 Connection Corporation shall appear personally on **August 23, 2016, at 9:30**
6 **a.m. in Courtroom C on the 15th Floor of the United States District**
7 **Courthouse, located at 450 Golden Gate Avenue, Phillip Burton Federal**
8 **Building, San Francisco, California 94102**, to furnish information to aid in the
9 enforcement of a money judgment by answering questions about 88 Connection
10 Corporation and its real and personal property; and

11 4. The AT&T ILECs must service this Order upon Simon Wong and Charlie Zhao,
12 officers of Judgment Debtor 88 Connection Corporation **personally not less than**
13 **ten (10) days before the date set for the examination and must file a**
14 **certificate of such service with the court.**

15 5. Pursuant to this Court's order dated December 4, 2015 (ECF No. 23), One Legal,
16 LLC, registered California process servers, are specially appointed to serve this
17 and any Order for Appearance and Examination of Simon Wong, Senior Officer
18 of Judgment Debtor 88 Connection Corporation, and Charlie Zhao, President
19 and/or Chief Executive Officer of Judgment Debtor 88 Connection Corporation.

20
21 **NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL TO APPEAR AT THE**
22 **TIME AND PLACE SPECIFIED IN THIS ORDER, YOU MAY BE**
23 **SUBJECT TO ARREST AND PUNISHMENT FOR CONTEMPT OF**
24 **COURT AND THE COURT MAY MAKE AN ORDER REQUIRING YOU**
25 **TO PAY THE REASONABLE ATTORNEY'S FEES INCURRED BY THE**
26 **JUDGMENT CREDITOR IN THIS PROCEEDING.¹**

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¹ This notice is furnished pursuant to California Code of Civil Procedure § 708.110(e).

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IT IS SO ORDERED.

Dated: May 11, 2016



United States Magistrate Judge Laurel Beeler