

# **EXHIBIT B**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 Pacific Bell Telephone Company,  
4 BellSouth Telecommunications, LLC,  
5 Southwestern Bell Telephone Company,  
6 Illinois Bell Telephone Company, Indiana  
7 Bell Telephone Company, Incorporated,  
8 Nevada Bell Telephone Company, The  
9 Ohio Bell Telephone Company, The  
10 Southern New England Telephone  
11 Company, and Wisconsin Bell, Inc.,

12 Plaintiffs,

13 v.

14 88 Connection Corporation

15 Defendant.

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

**~~PROPOSED~~ ORDER FOR APPEARANCE  
AND EXAMINATION OF CHARLIE ZHAO,  
PRESIDENT AND/OR CHIEF EXECUTIVE  
OFFICER OF JUDGMENT DEBTOR 88  
CONNECTION CORPORATION**

16 **INTRODUCTION**

17 On May 15, 2015, Pacific Bell Telephone Company, BellSouth Telecommunications,  
18 LLC, Southwestern Bell Telephone Company, Illinois Bell Telephone Company, Indiana Bell  
19 Telephone Company, Incorporated, Nevada Bell Telephone Company, The Ohio Bell Telephone  
20 Company, and Wisconsin Bell, Inc. (hereinafter referred to as “the AT&T ILECs”) registered a  
21 Foreign Judgment. (Doc. 1). The Foreign Judgment is a court order issued by the United States  
22 District Court for the Southern District of California, San Diego Division, Civil Action No. 13-  
23 cv-01157-L-KSC entering a default judgment against 88 Connection Corporation in the amount  
24 of Four Million Thirteen Thousand Four Hundred Fifty-Nine Dollars (\$4,013,459.00). On July  
25 29, 2015, this Court issued an Abstract of Judgment. (Doc. 5). On August 5, 2015, the AT&T  
26 ILECs filed an Application for an Order for the Appearance and Examination of Charlie Zhao,  
27 President and/or Chief Executive Officer of Judgment Debtor 88 Connection Corporation.  
28

1 DISCUSSION

2 Debtor examination proceedings “permit the judgment creditor to examine the judgment  
3 debtor, or third persons who have property of or are indebted to the judgment debtor, in order to  
4 discover property and apply it toward the satisfaction of the money judgment.” *Imperial Bank*  
5 *v. Pim Elec., Inc.*, 33 Cal. App. 4th 540, 546-57, 39 Cal. Rptr. 2d 432, 437 (1995); *Alcalde v. NAC*  
6 *Real Estate Invs. & Assignments, Inc.*, 580 F. Supp. 2d 969, 970 (C.D. Cal. 2008). A judgment  
7 for money entered by a district court may be registered in any other district court once the  
8 judgment is final by filing a certified copy of such judgment in the other district. 28 U.S.C. §  
9 1963. Under California law, all assets of a judgment debtor are subject to enforcement except as  
10 otherwise provided by law. Cal. Civ. Proc. Code § 695.010(a).

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

- 20 (a) The judgment creditor may apply to the proper court for an order requiring  
21 the judgment debtor to appear before the court, or before a referee  
22 appointed by the court, at a time and place specified in the order, to  
23 furnish information to aid in enforcement of the money judgment.
- 24 (b) If the judgment creditor has not caused the judgment debtor to be  
25 examined under this section during the preceding 120 days, the court shall  
26 make an order upon ex parte application of the judgment creditor.
- 27 (c) If the judgment creditor has caused the judgment debtor to be examined  
28 under this section during the preceding 120 days, the court shall make the  
order if 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 so requires. Otherwise, it may be made ex  
parte.
- (d) The judgment creditor shall personally serve a copy of the order on the

1 judgment debtor not less than 10 days before the date set for examination.  
2 Service shall be made in the manner specified in Section 415.10. Service  
3 of the order creates a lien on the personal property of the judgment debtor  
4 for a period of one year from the date of the order unless extended or  
5 sooner terminated by the court.

6 (e) The order shall contain the following statement in 14-point boldface type  
7 if printed or in capital letters if typed: NOTICE TO JUDGMENT  
8 DEBTOR. If you fail to appear at the time and place specified in this  
9 order, you may be subject to arrest and punishment for contempt of court  
10 and the court may make an order requiring you to pay the reasonable  
11 attorney's fees incurred by the judgment creditor in this proceeding.

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

17 The Court finds that the AT&T ILECs have satisfied the requirements of 28 U.S.C.  
18 § 1963 because the AT&T ILECs filed a certified copy of the order of the United States District  
19 Court for the Southern District of California, San Diego Division, with this Court to obtain  
20 enforcement of that court’s judgment in the amount of \$4,013,459.00. ((Doc. 1). Additionally,  
21 the AT&T ILECs’ application sets forth the showing required by Federal Rule of Civil Procedure  
22 69(a)(2) and the applicable provisions of the California Code of Civil Procedure §§ 708.110 and  
23 708.160.

### 24 CONCLUSION

25 Accordingly, IT IS HEREBY ORDERED that:

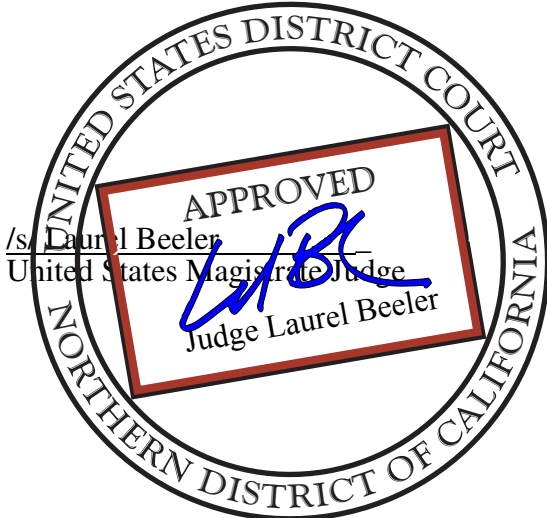
- 26 1. Mr. Charlie Zhao, President and/or Chief Executive Officer of Judgment Debtor 88  
27 Connection Corporation shall appear personally on **Tuesday, September 22, 2015, at**  
28 **9:30 a.m. in Courtroom C on the 15th Floor of the United States District**  
**Courthouse, located at 450 Golden Gate Avenue, Phillip Burton Federal**  
**Building, San Francisco, California 94102**, to furnish information to aid in the  
enforcement of a money judgment by answering questions about 88 Connection  
Corporation and its real and personal property; and

1           2. The AT&T ILECs must service this Order upon Charlie Zhao, President and/or Chief  
2           Executive officer of Judgment Debtor 88 Connection Corporation **personally not less**  
3           **than ten (10) days before the date set for the examination and must file a**  
4           **certificate of such service with the court.**

5           **NOTICE TO JUDGMENT DEBTOR. IF YOU FAIL TO APPEAR AT THE**  
6           **TIME AND PLACE SPECIFIED IN THIS ORDER, YOU MAY BE**  
7           **SUBJECT TO ARREST AND PUNISHMENT FOR CONTEMPT OF**  
8           **COURT AND THE COURT MAY MAKE AN ORDER REQUIRING YOU**  
9           **TO PAY THE REASONABLE ATTORNEY’S FEES INCURRED BY THE**  
10          **JUDGMENT CREDITOR IN THIS PROCEEDING.<sup>1</sup>**

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12          IT IS SO ORDERED.

13          Dated: August 11, 2015



14          /s/ Laurel Beeler  
15          United States Magistrate Judge  
16          Judge Laurel Beeler

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28          <sup>1</sup> This notice is furnished pursuant to California Code of Civil Procedure § 708.110(e).