

United States District Court
Northern District of California

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

FORRESTSTREAM HOLDINGS
LIMITED,

Plaintiff,

v.

GREGORY SHENKMAN, et al.,

Defendants.

Case No. 16-cv-01609-LB

**ORDER TO SHOW CAUSE WHY
PLAINTIFF’S APPLICATION FOR
ORDER DIRECTING TURNOVER OF
WATCHES, AUDI, AND PROCEEDS OF
PROPERTY SUBJECT TO LIEN
SHOULD NOT BE GRANTED**

Re: ECF No. 347

The court assumes the reader’s familiarity with the subject matter and procedural history of this case.¹ Briefly stated, defendant Gregory Shenkman owes plaintiff Forreststream Holdings Ltd. more than \$5.3 million on the judgment in this case.² Mr. Shenkman has not made any payments toward this judgment in the more than twenty months since judgment was entered.³ Following months of Mr. Shenkman’s stonewalling Forreststream’s attempts to take discovery of his assets and Mr. Shenkman’s defiance of court orders to comply with his discovery obligations,

¹ For a fuller description of the subject matter and procedural history of this case, see the court’s December 6, 2018 order, which the court incorporates here by reference. *Forreststream Holdings Ltd. v. Shenkman*, No. 16-cv-01609-LB, 2018 WL 6421866 (N.D. Cal. Dec. 6, 2018) (Order – ECF No. 339). Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² See *Mackintosh Third Aff.* – ECF No. 314 at 2.

³ See *Kampfner Decl.* – ECF No. 329 at 2 (¶ 4).

1 Forreststream recently was able to review certain documents of Mr. Shenkman's.⁴ Forreststream
2 states that these documents suggest that Mr. Shenkman has been knowingly concealing assets
3 from Forreststream, has been lying under oath about what assets he has, and may be fraudulently
4 transferring assets in order to frustrate Forreststream's efforts to collect on its judgment.⁵
5 Forreststream asks the court to enter an order directing Mr. Shenkman to turn over to the U.S.
6 Marshal certain wristwatches, an Audi automobile, and proceeds from property subject to
7 Forreststream's lien.

8 The court orders Mr. Shenkman (together with his counsel) to personally appear before the
9 court on January 2, 2019, at 3:00 p.m., and show cause why Forreststream's application for an
10 order directing turnover should not be granted. The court further orders Mr. Shenkman to show
11 cause why he should not be further sanctioned for noncompliance with the court's orders that he
12 respond to Forreststream's discovery requests (orders that inherently require Mr. Shenkman to
13 respond honestly and truthfully, and not perjuringly). If Mr. Shenkman wants to file any written
14 response to Forreststream's application, he must do so by December 31, 2018, at noon.
15 Forreststream may then file any written reply by January 2, 2019, at noon.

16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: December 26, 2018



LAUREL BEELER
United States Magistrate Judge

⁴ See Forreststream Appl. – ECF No. 347.

⁵ See id.