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13		
14		
15	UNITED STATES DISTRICT COURT	
16	NORTHERN DISTRICT OF CALIFORNIA	
17	SAN FRANCISCO	
18		
19	RICHARD STIERWALT,	Case No. 3:16-mc-80059 EMC
20	Petitioner,	STIPULATION;
21	v.	DECLARATION OF ERIC A. HANDLER RE SIGNATORY'S CONCURRENCE;
22	ASSOCIATED THIRD PARTY ADMINISTRATORS AND UNITED	[PROPOSED] ORDER RE TEMPORARY
23	BENEFITS & PENSION SERVICES, INC.,	RESTRAINING ORDER
24	Respondents.	Petition Filed: April 20, 2016 Dept.: Courtroom 5, 17th Floor
25	- Respondents.	Judge: Hon. Edward M. Chen
26		
27		
28		

STIPLATION; DECLARATION; [PROPOSED] ORDER RE TRO

CASE No. 3:16-MC-80059 EMC

## 1 **STIPULATION** 2 Petitioner Richard Stierwalt ("Stierwalt") and third-party claimants Camofi Master LDC 3 and Camhzn Master LDC ("Claimants" and together with Stierwalt, the "Parties"), by and 4 through their respective attorneys of record, stipulate and agree as follows: 5 1. Regarding Stierwalt's ex parte application filed in the above-captioned action (the 6 "Application"; ECF Dkt. No. 3) seeking a temporary restraining order to enjoin the transfer or 7 disposition of certain property (the "Levied Property") held by the United States Marshal 8 Service for the Northern District of California (the "Levying Officer") pursuant to a levy in 9 connection with a writ of execution issued in this action to Stierwalt, the Parties request that the 10 Court issue an order, pursuant to California Code of Civil Procedure Section 720.380: (a) 11 directing the Levying Officer to refrain from transferring or otherwise disposing of the Levied 12 Property until the Court gives further instructions to the Levying Officer; and (b) requiring the 13 Levying Officer to maintain possession of the Levied Property until the Levying Officer receives 14 such instructions from the Court. IT IS SO STIPULATED. 15 16 Dated: April 21, 2016 DONAHUE FITZGERALD LLP 17 18 By: /s/ Eric A. Handler Eric A. Handler 19 Attorneys for Petitioner RICHARD STIERWALT 20 21 Dated: April 21, 2016 DOWNEY BRAND LLP 22 23 By: /s/ William R. Warne William R. Warne 24 Attorneys for Third-party Claimants, CAMOFI MASTER LDC, and CAMHZN 25 MASTER LDC 26 /// 27 /// 28

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## **DECLARATION OF ERIC A. HANDLER**

I, Eric A. Handler, declare:

- 1. I am a partner at Donahue Fitzgerald LLP, attorneys of record in the above-captioned action for Petitioner Richard Stierwalt. I am admitted to practice law before this Court. I have personal knowledge of the matters set forth herein and if called as a witness could and would competently testify thereto.
- 2. This Declaration is filed pursuant to Civil L.R. 5-1(i)(3) in support of the parties' attached Stipulation (the "**Stipulation**").
- 3. I have obtained concurrence in the parties' filing of the Stipulation in this action from William R. Warne, one of the attorneys of record in this action for third-party claimants Camofi Master LDC and Camhzn Master LDC, and Mr. Warne's electronic signature is given in the Stipulation in accordance with his concurrence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration has been executed on April 21, 2016 in Oakland, California.

/s/ Eric A. Handler Eric A. Handler

## [PROPOSED] ORDER

The Court, having reviewed the attached Stipulation of petitioner Richard Stierwalt ("Stierwalt") and third-party claimants Camofi Master LDC and Camhzn Master LDC ("Claimants") requesting a temporary restraining order enjoining the transfer or disposition of certain property (the "Levied Property") held by the United States Marshal Service for the Northern District of California (the "Levying Officer") pursuant to a levy in connection with a writ of execution issued in this action to Stierwalt, and for good cause, IT IS HEREBY ORDERED THAT:

1. The Levying Officer is directed to refrain from transferring or disposing of the Levied Property until such time as the Court gives further instructions to the Levying Officer; and

2. The Levying Officer shall maintain possession of the Levied Property until the Court gives such further instructions to the Levying Officer.

IT IS SO ORDERED.

Dated: April 21, 2016

