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6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN FRANCISCO DIVISION**
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10 INJAZAT TECHNOLOGY FUND B.S.C.,

11 Judgment Creditor,

12 v.

13 DR. HAMID NAJAFI and MICHAEL
14 CUMMISKEY,

15 Judgment Debtors.

Case No. 11-cv-04133 PJH (NC)

**TENTATIVE RULING RE:
INJAZAT'S MOTION FOR
ASSIGNMENT OF RIGHTS,
RESTRAINING ORDER, AND
TURNOVER ORDER**

Re: Dkt. No. 86

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17 Judgment creditor Injazat Technology Fund B.S.C. moves for (1) an order
18 assigning to it the rights to judgment debtor Dr. Hamid Najafi's income from rental
19 property and stock shares granted by his employer, InvenSense; (2) a restraining order
20 preventing Najafi from disposing of the rights to the rental income and the stock shares;
21 and (3) an order turning over possession and evidence of title to the rental property, stock,
22 and other assets. Dkt. No. 86.

23 This order provides the parties with a tentative ruling and questions about issues
24 that will be addressed at the hearing on Injazat's motion scheduled for November 14,
25 2012, at 1:00 p.m. in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate
26 Avenue, San Francisco, California:

27 **(1) Assignment Order.** Relevant factors weigh against assigning the rights to
28 Najafi's rental income from the Los Altos Hills home and stock grants from InvenSense.

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TENTATIVE RULING RE:
MOTION FOR ASSIGNMENT

1 Specifically, it is unclear whether Najafi's property is more valuable as a rental or when
2 sold, and whether Najafi's stock grants from InvenSense are currently being garnished.

3 **(2) Restraining Order.** A restraining order is necessary to prevent Najafi from
4 disposing of the right to rental payments from the Los Altos Hills home and to the stock
5 grants from InvenSense.

6 **(3) Turnover Order.** Injizat has failed to make a showing of need that would
7 justify a turnover order regarding the Los Altos Hills home, InvenSense stock, and debts
8 owed to Najafi.

9 At the hearing, Najafi should be prepared to explain: (1) when he will have more
10 information regarding his mortgage payments on the Los Altos Hills property; (2) why he,
11 and not Injizat, should renegotiate the mortgage; and (3) whether the value of the Los
12 Altos Hills property is greater sold or rented.

13 Injizat should be prepared to address: (1) whether the value of the Los Altos Hills
14 property is greater sold or rented; (2) whether it should renegotiate the mortgage with the
15 banks; (3) whether it has attempted to garnish Najafi's stock payments from InvenSense;
16 and (4) whether it is asking this Court to make a finding about what portion of Najafi's
17 income is exempt.

18 IT IS SO ORDERED.

19 Date: November 8, 2012



20 Nathanael M. Cousins
21 United States Magistrate Judge