

PLAINTIFF:	CASE NUMBER:
DEFENDANT:	C14-3099 BLF

— Items continued from page 1—

21. **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):

Lupita's Restaurant 2095 North Capitol Ave. San Jose, CA 95132	Berenice Perez-Guizar; Maria Perez Guizar 3281 Archbury Court San Jose, CA 95148
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22. **Notice of sale** has been requested by (name and address):

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23. **Joint debtor** was declared bound by the judgment (CCP 989-994)

a. on (date):	a. on (date):
b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:	b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

c. additional costs against certain joint debtors (itemize):

24. (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a. Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify): _____

b. Possession of personal property.

If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.

c. Sale of personal property.

d. Sale of real property.

e. Description of property: _____

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

1 **ROBERT DAVID BAKER, INC.**
2 **Robert David Baker, Esq. (87314)**
3 **80 South White Road**
4 **San Jose, CA 95127**
5 **Telephone: (408) 251-3400**
6 **Facsimile: (408) 251-3401**
7 **Email: rbaker@rdblawn.net**

8 **Attorney for Plaintiff**
9 **LAURA ARGUELLO GONZALEZ**

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12
13 **LAURA ARGUELLO GONZALEZ,**
14 **and all employees similarly situated,**

Case No. CV 14-3099 BLF

15
16 **Plaintiff,**

AFFIDAVIT OF ROBERT DAVID BAKER

17 **v**

FOR COSTS AND INTEREST

18 **LUPITA'S RESTAURANT; TACOS AL**

[CCP § 685.050]

19 **CARBON; MARIA PEREZ-GUIZAR;**

20 **BERENICE PEREZ-GUIZAR; DAVID**

21 **GUIZAR**

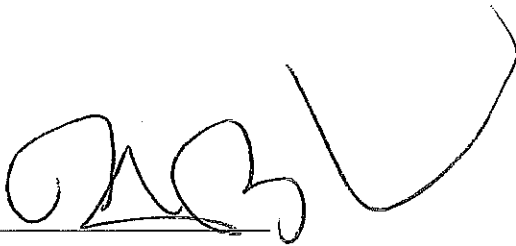
22 **Defendants.**

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25 **I, ROBERT DAVID BAKER, DECLARE:**

- 26 1. I am an attorney duly licensed to practice in the state of California;
27 2. My business address is 80 South White Road, San Jose, CA 95127;

- 1 3. I am the attorney for Laura Arguello Gonzalez, judgment creditor in the above-entitled
- 2 matter;
- 3 4. If called to testify, I could testify of my own personal knowledge as to the following
- 4 facts. As to those facts set forth on information and belief, to the best of my information
- 5 and belief, I believe them to be true;
- 6 5. The principal amount of the original judgment is \$26,561.53 (**Exhibit A**);
- 7 6. Interest on the Judgment at ten percent annually, from the date of the Judgment, July 22,
- 8 2015 to April 22, 2017 is \$4,648.27;
- 9 7. The statutory fee for issuance of the writ is \$25.00;
- 10 8. The statutory cost for the levying officer to perform the keeper duties under the writ for
- 11 eight hours is \$240 (**Exhibit B**).

12 I declare under penalty of perjury the foregoing is true and correct and that this document
13 is executed on April 18, 2017 at San Jose, California.

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18 Robert David Baker, Esq.

EXHIBIT A

ECP DOCUMENT

I hereby attest and certify this is a true and correct copy of a document which was electronically filed with the United States District Court for the Northern District of California.

Date Filed: DEC 07 2015

SUSAN Y. SOONG, Clerk

By: Betty Walker, Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LAURA ARGUELLO GONZALEZ,

Plaintiff,

v.

LUPITA'S RESTAURANT, et al.,

Defendants.

Case No. 14-cv-03099-BLF

DEFAULT JUDGMENT

For the reasons stated in the accompanying Order Granting Plaintiff's Motion for Default Judgment, DEFAULT JUDGMENT IS HEREBY ENTERED in favor of plaintiff Laura Arguello Gonzalez and against defendants Lupita's Restaurant, Tacos Al Carbon, Maria Perez-Guizar and Berenice Perez-Guizar (collectively, "Defendants"), in the total amount of \$26,561.53 in damages and penalties comprising: (1) \$2,912.74 in unpaid back wages under the FLSA, plus \$630.62 in pre-judgment interest; (2) \$2,912.74 in liquidated damages pursuant to 29 U.S.C. § 216(b); and (3) \$16,558.50 under the CLC for Defendants' failure to provide meal and rest breaks, plus \$3,546.93 in pre-judgment interest. Plaintiff shall also recover reasonable attorney's fees and costs in the total amount of \$6,947.55 comprising: (1) \$6,365.05 in reasonable attorney's fees and (2) \$582.50 in costs.

The Clerk of the Court shall close the case file.

IT IS SO ORDERED.

Dated: July 22, 2015

Beth Labson Freeman
BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California

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EXHIBIT B

CHAPTER 17 – FEE SCHEDULE - Generated Jan, 22, 2015

PROCESS	FEE	DEPOSIT	GOVT. CODE
EARNINGS WITHHOLDING ORDER	\$35.00		26750
EQUIPMENT - see Attachment or Personal Property			
ESTATE LEVY	\$40.00		26721
EVICTION - Writ of Possession - Real Property			
Posting eviction	\$85.00		26733.5
Reposting eviction	\$40.00		26721
Removing occupants and putting a person in possession	\$60.00		26733.5
Cancellation prior to service of notice to vacate	\$40.00		26736
Cancellation after service of notice to vacate	\$40.00		26736
Failure to take possession after service of notice to vacate	\$40.00		26736
EXECUTE/SERVING ANY OTHER INSTRUMENT	\$40.00		26742
EXECUTION- Writ of (Taking Immediate Possession)	\$100.00	Varies	26722
GARNISHMENTS Attachment or Execution (except wage)	\$40.00		26721
JOINT DEBTOR SUMMONS	\$40.00		26721
JURY SUMMONS for Civil Jury			
12 or Less	\$2.00		26745
Each Additional Juror	\$0.10		26745
KEEPER LEVY (Sheriffs fees.)			
Released at the end of 8 hours	\$100.00	\$240.00	26722
Fee per day for continuously maintaining levy after first day	\$40.00		26726(b)
Not found - Sheriffs fee (non installation)	\$35.00		26738
KEEPER FEES (amount paid to keeper)			
8 hours or less	\$140.00		26726(a)
8-12 hours (keeper <u>not</u> to exceed \$300 in any 24 hour period)	\$300.00		26726(a)
Vehicle Levy ~ not to exceed \$140	\$140.00		26726(a)
Not found ~ fee to keeper (non installation)	\$60.00		26726(c)
LEVY - see Levy Type i.e. eviction real property, etc.			
MILITARY AFFIDAVIT	\$40.00		26742
Additional Fee for Notary when Required	\$10.00		8211
NOT FOUND RETURN	\$35.00		26738
NOTARY	\$10.00		8211
NOTICE - Landlord/Tenant	\$40.00		26721
ORDER FOR APPEARANCE OR EXAMINATION	\$40.00		26721
ORDER TO SHOW CAUSE	\$40.00		26721
PERSONAL PROPERTY LEVY - Writ of Execution or Possession			
Personal Property Levy without Seizure or Turnover	\$40.00		26721
Perform Levy and Seize or Turnover Property	\$100.00		26722
Hiring Private Inventory Service	Actual Cost		26748
Moving and Storage Costs	Actual Cost		26748
Prepare and Post First Sale Notice	\$40.00		26728
Posting Each Additional Sale Notice	\$15.00		26728.1
Serve Sale Notice on Each Debtor (personally or by mail)	\$40.00		26721
Serve Sale Notice on Judgment Creditor or Attorney	No Charge		
Serve Sale Notice on Each Person Listed on Back of Writ	\$40.00		26721
Conduct or Postpone Sale	\$90.00		26730
Prepare and Issue Certificate of Sale - Personal Property	\$15.00		26741
Personal Property, Writ of Possession with Seizure of Prop.	\$100.00	Varies	26722
Vehicle Levy - Large Truck	\$100.00	Varies	26722
POSSESSION, WRIT OF (C&D) ~ see Claim & Delivery			
POSSESSION, WRIT OF (Personal Property) ~ see Personal Prop.			
POSSESSION, WRIT OF (Real Property) ~ see Eviction			
POSTPONING SALE - Real or Personal Property	\$90.00	See PP or RP	26730
PREJUDGMENT CLAIM TO RIGHT TO POSSESSION with Copy of Summons and Complaint	\$40.00		26721.1
PROOF OF CORRECTION CERTIFICATION CVC 40616	\$20.00		26746.1
REAL PROPERTY LEVY ~ Execution or Attachment		Varies	
Real Property Levy Completed by Process Server	\$40.00		26721
Real Property Levy Prepared and Recorded by Sheriff	\$40.00		26721
County Recorder recording fee (Varies by County)	Actual Cost	Varies	26748
Demand Letter for Application for Order for Sale of Dwelling	No Charge		26721
Mail Notice of Levy to each Debtor	No Charge		26721