

CENTER FOR DISABILITY ACCESS  
Raymond G. Ballister, Jr. SBN 111282  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CECIL EUGENE SHAW,

Plaintiff(s)

v.

FIVE M, LLC, et al.,

Defendant(s)

CASE NUMBER:

CV- 5:16-cv-03955-BLF

WRIT OF EXECUTION

TO: THE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA

You are directed to enforce the Judgment described below with interest and costs as provided by law.

On 2/27/2017 a judgment was entered in the above-entitled action in favor of:

CECIL EUGENE SHAW

as Judgment Creditor and against:

Five M, LLC  
Varunya Suriyachaiporn d/b/a Orchid Thai Cuisine

as Judgment Debtor, for:

\$	<u>4,000.00</u>	Principal,
\$	<u>4,625.00</u>	Attorney Fees,
\$	<u>0.00</u>	Interest **, and
\$	<u>0.00</u>	Costs, making a total amount of
\$	<u>8,625.00</u>	<b>JUDGMENT AS ENTERED</b>

**\*\*NOTE: JUDGMENTS REGISTERED UNDER 28 U.S.C. §1963 BEAR THE RATE OF INTEREST OF THE DISTRICT OF ORIGIN AND CALCULATED AS OF THE DATE OF ENTRY IN THAT DISTRICT.**

WRIT OF EXECUTION

WHEREAS, according to an affidavit and/or memorandum of costs after judgment it appears that further sums have accrued since the entry of judgment in the Northern District of CALIFORNIA, to wit:

\$ 7.18 accrued interest, and  
\$ 450.00 accrued costs, making a total of  
\$ 457.18 **ACCRUED COSTS AND ACCRUED INTEREST**

Credit must be given for payments and partial satisfaction in the amount of \$ 0.00 which is to be credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of:

\$ 9,082.18 **ACTUALLY DUE** on the date of the issuance of this writ of which  
\$ 8,625.00 Is due on the judgment as entered and bears interest at 0.98  
percent per annum, in the amount of \$ 0.23 per day,  
from the date of issuance of this writ, to which must be added the  
commissions and costs of the officer executing this writ.

CLERK, UNITED STATES DISTRICT COURT



Susan Y. Soong

*Betty Warton*

By: \_\_\_\_\_

Deputy Clerk

Dated: 4/12/2017




ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Center For Disability Access</b> <b>Raymond G. Ballister, Jr., SBN 111282 / Mark D. Potter, SBN 166317</b> <b>PO Box 262490, San Diego, CA 92196-2490</b> <b>9845 Erma Road, Suite 300, San Diego, CA 92131</b>  TELEPHONE NO.: (858) 375-7385 FAX NO. (Optional): (888) 422-5191 E-MAIL ADDRESS (Optional): dennisp@PotterHandy.com ATTORNEY FOR (Name): CECIL EUGENE SHAW,	FOR COURT USE ONLY           CASE NUMBER:  <b>5:16-cv-03955-BLF</b>
NAME OF COURT: <b>United States District Court of California</b> STREET ADDRESS: <b>280 S 1st</b> MAILING ADDRESS: <b>280 S 1st</b> CITY AND ZIP CODE: <b>San Jose, CA 95113</b> BRANCH NAME: <b>Northern District</b>	
PLAINTIFF/PETITIONER: <b>CECIL EUGENE SHAW,</b> DEFENDANT/RESPONDENT: <b>FIVE M, LLC, et al.,</b>	
<b>DECLARATION</b>	

1. I am the attorney for Judgment Creditor herein. •
2. Interest is calculated first by taking the judgment amount and multiplying by interest rate to obtain the yearly amount of interest; then dividing that yearly amount by 365 to obtain the daily amount of interest. •
3. The yearly amount of interest in calculated for each full year from the date of entry of judgment. The daily amount of interest is then multiplied by the number of days since the entry of judgment. •
4. Judgment was entered on: 2/27/2017
5. Full years from date of entry of judgment: 0
6. Federal Rate of interest : 0.98%
7. The daily amount of interest is: \$0.23
8. Total accrued interest: 7.18
9. Days passed after judgment issued: 31

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4/4/17

Dennis Price  
(TYPE OR PRINT NAME)

DocuSigned by:  
  
(S) C1A77C4F14A8488...

- Attorney for   
  Plaintiff   
  Petitioner   
  Defendant  
 Respondent   
 Other (Specify):

SHORT TITLE: SHAW v. FIVE M, LLC, et al.,	CASE NUMBER: 2:14-cv-00217-JAM-DAD
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- 10. Attorneys fees are allowed under CCP § 685.040 as the underlying action is entitled to a fee award.
- 11. I have spent 1.5 hours of post-judgment work on this matter, including: preparing the abstract, researching and preparing the request for debtor's examination as well as preparing this filing.
- 12. My billing rate is \$300.00 per hour.
- 13. Total payments made: \$0.00.
- 14. Payments applied to accrued interest: \$0
- 15. Total applied to Sheriff's disbursement fees: \$0

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>CENTER FOR DISABILITY ACCESS</b> <b>Raymond G. Ballister, SBN 111282 / Mark D. Potter, SBN 166317</b> <b>PO Box 262490, San Diego, CA 92196-2490</b> <b>9845 Erma Rd., Ste 300, San Diego, CA 92131</b>  TELEPHONE NO.: (858) 375-7385                      FAX NO.: (888) 422-5191 ATTORNEY FOR (Name): <b>CECIL EUGENE SHAW,</b>	<b>FOR COURT USE ONLY</b>
NAME OF COURT: <b>US District Court Court, Eastern District of California</b> STREET ADDRESS: <b>280 S 1st</b> MAILING ADDRESS: <b>280 S 1st</b> CITY AND ZIP CODE: <b>San Jose, CA 95113</b> BRANCH NAME: <b>Northern District</b>	
<b>PLAINTIFF: CECIL EUGENE SHAW,</b>  <b>DEFENDANT: FIVE M, LLC, et al.,</b>	
<b>MEMORANDUM OF COSTS AFTER JUDGMENT, ACKNOWLEDGMENT OF CREDIT, AND DECLARATION OF ACCRUED INTEREST</b>	CASE NUMBER: <b>5:16-cv-03955-BLF</b>

1. I claim the following costs after judgment incurred within the last two years (indicate if there are multiple items in any category):

	Dates Incurred	Amount
a Preparing and issuing abstract of judgment		\$
b Recording and indexing abstract of judgment		\$
c Filing notice of judgment lien on personal property		\$
d Issuing writ of execution, to extent not satisfied by Code Civ. Proc., § 685.050 (specify county):		\$
e Levying officers fees, to extent not satisfied by Code Civ. Proc., § 685.050 or wage garnishment		\$
f Approved fee on application for order for appearance of judgment debtor, or other approved costs under Code Civ. Proc., § 708.110 et seq.		\$
g Attorney fees, if allowed by Code Civ. Proc., § 685.040	3/30/17	\$ 450.00
h Other: (Statute authorizing cost):		\$
i Total of claimed costs for current memorandum of costs (add items a-h)		\$ 450.00

2. All previously allowed postjudgment costs: \$ 0

3. Total of all postjudgment costs (add items 1 and 2): **TOTAL \$ 450.00**

4. Acknowledgment of Credit. I acknowledge total credit to date (including returns on levy process and direct payments) in the amount of: \$ 0

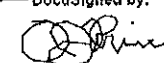
5. Declaration of Accrued Interest. Interest on the judgment accruing at the legal rate from the date of entry on balances due after partial satisfactions and other credits in the amount of: \$ 7.18

6. I am the  judgment creditor  agent for the judgment creditor  attorney for the judgment creditor.  
I have knowledge of the facts concerning the costs claimed above. To the best of my knowledge and belief, the costs claimed are correct, reasonable, and necessary, and have not been satisfied.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4/4/17

Dennis Price  
(TYPE OR PRINT NAME)

DocuSigned by:  
  
 (SIGN) C1A77C4F14A0488...

**NOTICE TO THE JUDGMENT DEBTOR**

If this memorandum of costs is filed at the same time as an application for a writ of execution, any statutory costs, *not exceeding \$100 in aggregate* and not already allowed by the court, may be included in the writ of execution. *The fees sought under this memorandum may be disallowed by the court upon a motion to tax filed by the debtor, notwithstanding the fees having been included in the writ of execution.* (Code Civ. Proc., § 685.070(e).) A motion to tax costs claimed in this memorandum must be filed within 10 days after service of the memorandum. (Code Civ. Proc., § 685.070(c).)

(Proof of service on reverse)

SHORT TITLE: Shaw v. Five M LLC., et al.	CASE NUMBER: 5:16-cv-03955-BLF
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**PROOF OF SERVICE**

Mail     Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is (*specify*):
  
3. I mailed or personally delivered a copy of the *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* as follows (*complete either a or b*):
  - a.  **Mail.** I am a resident of or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope AND
      - (a)  **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
  
      - (c) Date of mailing:
      - (d) Place of mailing (*city and state*):
  - b.  **Personal delivery.** I personally delivered a copy as follows:
    - (1) Name of person served:
    - (2) Address where delivered:
  
    - (3) Date delivered:
    - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

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**PROOF OF SERVICE**

**SHAW V. FIVE M, LLC**  
**5:16-CV-03955-BLF**

5 I, the undersigned, am over the age of eighteen years and am resident of San Diego County,  
6 California; I am not a party to the above-entitled action; my business address is 9845 Erma  
7 Road, Suite 300, San Diego, CA 92131.

8 On April 5, 2017 I served the following document(s):

9 **Writ of Execution, Affidavit and Request for Writ of Execution(F), Declaration,**  
10 **Memorandum of cost after Judgment, Acknowledgment of Credit and Declaration of**  
11 **accrued interest.**

12 Addressed to:

13 Five M, LLC 14 1125 N Milpitas Blvd., 15 Milpitas Ca,95035	16 Benjamin D. Harris 17 Law Office of Benjamin D. Harris 18 11121 Queensland St., Ste D30 19 Los Angeles, CA 90034-5214
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- 20  **BY MAIL:** I caused such envelope with postage thereon fully prepaid to be placed in  
21 the United States mail at San Diego, California.  
22  **BY FACSIMILE:** In addition to the service by mail as set forth above, I forwarded a  
23 copy of said documents via facsimile to the listed facsimile number.  
24  **BY OVERNITE EXPRESS:** I caused such envelope with postage thereon fully  
25 prepaid to be placed in the Designated Overnight Express drop box at San Diego,  
26 California.  
27  **BY PERSONAL SERVICE:** I caused said documents to be personally served on all  
28 listed recipients via Diversified Legal Services.  
 **BY ELECTRONIC MAIL TRANSMISSION:** via the United States District Court,  
Northern District of California's CM/ECF system. I caused the listed documents to be  
electronically filed and subsequently emailed to the recipient(s).

Executed on April 5, 2017, from San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the above is  
true and correct.



Leonardo Pahiraray