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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ENSOURCE INVESTMENTS LLC, a  
Delaware limited liability company,  
  
Plaintiff,  
  
v.  
  
MARK A. WILLIS,  
  
Defendant.

Case No.: 17-cv-00079-H-LL

**ORDER GRANTING PLAINTIFF’S  
MOTION TO CERTIFY**

[Doc. No. 253.]

On May 5, 2021, Plaintiff Ensource Investments LLC (“Plaintiff”) filed a motion to certify the judgment in this case for registration in foreign districts pursuant to 28 U.S.C. § 1963. (Doc. No. 253.) Defendant Mark A. Willis (“Defendant”) did not oppose the motion. (Doc. No. 258.) The Court submitted the matter on June 3, 2021. (Doc. No. 261.) For the following reasons, the Court grants Plaintiff’s motion to certify the judgment for registration in a foreign district.

## Background

1  
2 On February 4, 2020, this case proceeded to a jury trial. (Doc. No. 195.) On  
3 February 10, 2020, the jury returned a verdict in favor of Plaintiff against Defendant with  
4 respect to Plaintiff's Rule 10b-5 Securities and Exchange Act claim, in the amount of  
5 \$205,000, and the jury found in favor of Defendant with respect to Plaintiff's intentional  
6 misrepresentation claim. (Doc. Nos. 204, 211.) On February 19, 2020, the Court entered  
7 judgment consistent with the jury's verdict. (Doc. No. 222.) On March 19, 2020,  
8 Defendant appealed the judgment. (Doc. No. 230.) The appeal is currently pending in the  
9 Ninth Circuit. Defendant has not filed a supersedeas bond pursuant to Rule 62(b).

10 On May 5, 2021, Plaintiff filed the instant motion, asking the Court to certify the  
11 Court's judgment in this case for registration in the Southern District of Texas and any  
12 other foreign jurisdiction where Defendant owns substantial assets. (Doc. No. 253.)  
13 Plaintiff served the motion on Defendant as well as his counsel of record in this case. (Doc.  
14 No. 253-3; Doc. No. 254.) Defendant did not timely oppose Plaintiff's motion to certify  
15 within the time frame set forth in the Local Rules.

16 As a result, on June 3, 2021, the Court ordered Plaintiff to serve Defendant's  
17 appellate counsel with the motion to certify by June 10, 2021. (Doc. No. 261 at 2.) The  
18 Court then gave Defendant until June 17, 2021, to respond to or file a supersedeas bond.  
19 (Id.) Plaintiff mailed a copy of its motion to certify to Defendant's appellate counsel on  
20 June 3, 2021. (Doc. No. 263.) Defendant still has not opposed Plaintiff's motion or filed  
21 a supersedeas bond.

## Discussion

22  
23 A district court's judgment becomes enforceable ten days after entry. Fed. R. Civ.  
24 P. 62(a). Where, as here, the judgment is pending appeal, "the judgment is only enforceable  
25 in the district in which it was rendered, unless the judgment is 'registered' in another district  
26 by court order." Columbia Pictures Television, Inc. v. Krypton Broad. of Birmingham,  
27 Inc., 259 F.3d 1186, 1197 (9th Cir. 2001). The registration process is set forth in 28 U.S.C.  
28

1 § 1963.<sup>1</sup> In short, § 1963 “permits a district court to issue an order certifying a judgment  
2 for registration [in another district] during the pendency of an appeal upon a finding of  
3 ‘good cause.’” Columbia Pictures, 259 F.3d at 1197. Good cause generally exists when  
4 there is “an absence of assets in the judgment forum, coupled with the presence of  
5 substantial assets in the registration forum.” Id. at 1197-98 (citations omitted).

6 That is the case here. Earlier in this action, Defendant submitted a declaration  
7 claiming that he does not own any property in California, that he does not maintain a  
8 California bank account, and that he resides in Texas. (Doc. No. 8-3, Willis Decl. ¶¶ 8-  
9 10.) Additionally, Plaintiff filed a recent TransUnion report indicating that Defendant  
10 owns a \$1.9 million property located in the Southern District of Texas. (Doc. No. 260 at  
11 28.) The report did not reveal that Defendant owns any assets in California. (Id.) As a  
12 result, good cause exists to certify the Court’s judgment for registration in the Southern  
13 District of Texas and other districts where Defendant owns substantial assets. See  
14 Columbia Pictures, 259 F.3d at 1197-98; Rockin Artwork, LLC v. Bravado Int’l Grp.  
15 Merch. Servs., Inc., No. C15-1492-JCC, 2017 WL 11437734, at \*2 (W.D. Wash. Apr. 4,  
16 2017) (allowing, upon a showing of good cause, registration of judgment in “any other  
17 jurisdictions where [the defendant’s] assets may be found”); Brighton Collectibles, Inc. v.  
18 Marc Chantal USA, Inc., No. 06-CV-1584 H (POR), 2009 WL 10674204, at \*2 (S.D. Cal.  
19 Aug. 17, 2009) (same).

### 20 Conclusion

21 For the foregoing reasons, the Court grants Plaintiff’s motion to certify the judgment  
22 for registration in a foreign district. The Court certifies the Court’s judgment in this case  
23  
24

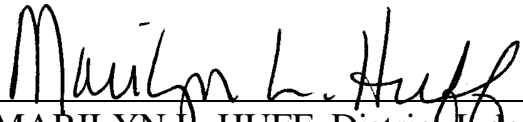
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25 <sup>1</sup> In pertinent part, § 1963 provides the following: “A judgment in an action for the recovery of  
26 money or property entered in any . . . district court . . . may be registered by filing a certified copy of the  
27 judgment in any other district . . . when the judgment has become final by appeal or expiration of the time  
28 so registered shall have the same effect as a judgment of the district court of the district where registered  
and may be enforced in like manner.”

1 for registration in any district where Defendant owns substantial assets, including the  
2 Southern District of Texas, pursuant to 28 U.S.C. § 1963.

3 **IT IS SO ORDERED.**

4 DATED: June 21, 2021

5   
6 MARILYN L. HUFF, District Judge  
7 UNITED STATES DISTRICT COURT  
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