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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 CHRIS LANGER,  
12 Plaintiff,  
13 v.  
14 CHULA VISTA RENTALS, LLC,  
15 Defendant.

Case No.: 18-cv-00192-L-JLB

**ORDER GRANTING APPLICATION  
FOR APPEARANCE AND DEBTOR  
EXAMINATION**

[ECF No. 21]

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17 On July 14, 2019, Plaintiff and Judgment Creditor Chris Langer filed an Application  
18 for Appearance and Debtor Examination for Defendant and Judgment Debtor Chula Vista  
19 Rentals, LLC. (ECF No. 21.) For the reasons set forth below, the Court **GRANTS**  
20 Judgment Creditor's application.

21 **I. BACKGROUND**

22 On April 29, 2019, the District Court granted Judgment Creditor's Motion for  
23 Default Judgment and Request to Affix Attorneys' Fees and Costs and awarded Judgment  
24 Creditor \$4,000 in statutory damages and \$4,972.50 in attorneys' fees and costs. (ECF No.  
25 12 at 11.)

26 On July 2, 2019, Judgment Creditor filed an Application for Appearance and Debtor  
27 Examination (ECF No. 17), which the Court denied without prejudice (ECF No. 20). On  
28 July 14, 2019, Judgment Creditor filed the instant Application for Appearance and Debtor

1 Examination. (ECF No. 21.) Counsel for Judgment Creditor declares under penalty of  
2 perjury that the judgment issued on April 29, 2019, for \$8,972.50 has not been paid. (*Id.*  
3 ¶¶ 2–3.)

## 4 **II. DISCUSSION**

### 5 **A. Applicable Law**

6 Federal Rule of Civil Procedure 69 authorizes federal courts to enforce a money  
7 judgment by writ of execution. Fed. R. Civ. P. 69(a)(1). “The procedure on execution—  
8 and in proceedings supplementary to and in aid of judgment or execution—must accord  
9 with the procedure of the state where the court is located, but a federal statute governs to  
10 the extent it applies.” *Id.* Accordingly, in ruling on Judgment Creditor’s motion, the Court  
11 follows California’s statutory provisions for the enforcement of judgments, known  
12 collectively as the Enforcement of Judgments Law, as set forth in California Code of Civil  
13 Procedure §§ 680.010 through 724.260.

14 Judgment debtor proceedings under California law “permit the judgment creditor to  
15 examine the judgment debtor, or third persons who have property of or are indebted to the  
16 judgment debtor, in order to discover property and apply it toward the satisfaction of the  
17 money judgment.” *Imperial Bank v. Pim Elec., Inc.*, 39 Cal. Rptr. 2d 432, 437 (Ct. App.  
18 1995). Debtor examinations are intended “to allow the judgment creditor a wide scope of  
19 inquiry concerning property and business affairs of the judgment debtor,” *Hooser v.*  
20 *Superior Court*, 101 Cal. Rptr. 2d 341, 345 (Ct. App. 2000), *disapproved on other grounds*  
21 *by Williams v. Superior Court*, 3 Cal. 5th 531 (2017), and “to leave no stone unturned in  
22 the search for assets which might be used to satisfy the judgment,” *Troy v. Superior Court*,  
23 231 Cal. Rptr. 108, 112 (Ct. App. 1986).

24 California Code of Civil Procedure § 708.110 provides:

25 (a) The judgment creditor may apply to the proper court for an order requiring  
26 the judgment debtor to appear before the court, or before a referee appointed  
27 by the court, at a time and place specified in the order, to furnish information  
28 to aid in enforcement of the money judgment.

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1 (b) If the judgment creditor has not caused the judgment debtor to be  
2 examined under this section during the preceding 120 days, the court shall  
3 make the order upon ex parte application of the judgment creditor.

4 (c) If the judgment creditor has caused the judgment debtor to be examined  
5 under this section during the preceding 120 days, the court shall make the  
6 order if the judgment creditor by affidavit of otherwise shows good cause for  
7 the order. The application shall be made on noticed motion if the court so  
8 directs or a court rule so requires. Otherwise, it may be made ex parte.

9 (d) The judgment creditor shall personally serve a copy of the order on the  
10 judgment debtor not less than 10 days before the date set for examination.  
11 Service shall be made in the manner specified in Section 145.10. Service of  
12 the order creates a lien on the personal property of the judgment debtor for a  
13 period of one year from the date of the order unless extended or sooner  
14 terminated by the court.

15 (e) The order shall contain the following statement in 14-point boldface type  
16 if printed or in capital letters if typed: "NOTICE TO JUDGMENT DEBTOR.  
17 If you fail to appear at the time and place specified in this order, you may be  
18 subject to arrest and punishment for contempt of court and the court may  
19 make an order requiring you to pay the reasonable attorney's fees incurred  
20 by the judgment creditor in this proceeding."

21 Cal. Civ. Proc. Code § 708.110(a)–(e). Additionally, California Code of Civil Procedure  
22 § 491.150(b) provides:

23 (b) A person sought to be examined may not be required to attend an  
24 examination before a court located outside the county in which the person  
25 resides or has a place of business unless the distance from the person's place  
26 of residence or place of business to the place of examination is less than 150  
27 miles.

28 Cal. Civ. Proc. Code § 491.150(b).

**B. Analysis**

Judgment Creditor requests an order requiring Judgment Debtor Chula Vista  
Rentals, LLC (Manager Jason Kasid) to appear and furnish information to aid in  
enforcement of the money judgment. (ECF No. 21 ¶ 4.)

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1 Judgment Creditor has filed a declaration to establish the requirements of California  
2 Code of Civil Procedure § 708.110(a) that Judgment Debtor owes Judgment Creditor an  
3 unpaid debt, § 708.110(b) that he has not examined Judgment Debtor within the last 120  
4 days, and § 409.150(b) that Judgment Debtor resides in the county where the court is  
5 located or within 150 miles of the location of the court. (*Id.* ¶¶ 2–3, 6–7.)

### 6 **III. CONCLUSION**

7 Based on the foregoing, Judgment Creditor’s Application for Appearance and  
8 Debtor Examination is **GRANTED**. Accordingly, **IT IS HEREBY ORDERED**:

- 9 1. Judgment Debtor shall appear on **October 9, 2019**, at **10:00 AM** in the Jury  
10 Assembly Room, Room 230, James M. Carter & Judith N. Keep United States  
11 Courthouse, 333 West Broadway, San Diego, California 92101, to furnish  
12 information to aid in enforcement of the money judgment against Judgment  
13 Debtor;
- 14 2. Judgment Debtor shall bring to the judgment debtor exam all records,  
15 documents, statements, files, or other communications concerning, relating to,  
16 referring to, describing, or evidencing any and all of Judgment Debtor’s assets  
17 and/or sources of income, either in Judgment Debtor’s name or in which  
18 Judgment Debtor has a financial interest, including:
  - 19 a. Cash;
  - 20 b. Bank accounts, savings and loan accounts, credit union accounts,  
21 and other financial institution accounts;
  - 22 c. Automobiles, other vehicles, and boats;
  - 23 d. Real estate; and
  - 24 e. Other personal property, excluding furniture and furnishings,  
25 appliances, and clothing; and
- 26 3. Judgment Creditor must personally serve this order upon Judgment Debtor  
27 within **ten days** before the date set for the examination and must file a  
28 certificate of service with the Court.

