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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

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11 RES-NV CHLV, LLC, a Florida limited
12 liability company,

13 Plaintiff,

14 v.

15 HARRY H. SHULL, an individual,
16 Defendant.

Case No. 2:11-cv-00593-PMP-CWH

**ORDER GRANTING APPLICATION
FOR JUDGMENT DEBTOR
EXAMINATION OF HARRY H. SHULL**

Date of Exam: June 28, 2016

Time of Exam: 10:00 a.m.

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18 This matter is before the Court on Plaintiff's sixth Ex Parte Application for Judgment
19 Debtor Examination filed April 14, 2016. Having been unable to timely serve the Court's prior
20 order authorizing a judgment debtor examination to occur on April 22, 2016, Plaintiff filed a sixth
21 application requesting a judgment debtor examination on June 28, 2016. The Court has reviewed
22 the application and finds there is good cause for the request.

23 Having secured a judgment in its favor for \$453,251.94, together with interest accruing at
24 the statutory rate from date of entry of judgment, Plaintiff requests an order requiring judgment
25 debtor Harry Shull ("Judgment Debtor") to (1) appear and be examined under oath regarding all
26 personal property and real property assets, (2) to bring any and all documents showing or
27 referring to his assets and liabilities or transfers of assets made within the last five (5) years, and
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1 (3) to refrain from effectuating any transfer of or interference with any of his property that is not
2 exempt from execution.

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4 Federal Rule of Civil Procedure 69 provides that the procedure regarding “proceedings
5 supplementary and in aid of judgment or execution must accord with the procedure of the state
6 where the court is located.” Federal Rule of Civil Procedure 69(a)(1). Rule 69 further provides
7 that “[i]n aid of judgment or execution, the judgment creditor or a successor in interest whose
8 interest appears of record may obtain discovery from any person – including the judgment debtor
9 – as provided in these rules or by the procedure of the state where the court is located.” Fed. R.
10 Civ. P. 69(a)(2). The scope of post-judgment discovery is broad and the judgment-creditor is
11 permitted to make a broad inquiry to discover any hidden or concealed assets of a judgment-
12 debtor. *1st Technology, LLC v. Rational Enterprises, LTDA*, 2007 WL 5596692 *4 (D. Nev.)
13 (citation omitted). Rule 69 permits a judgment creditor to obtain post-judgment discovery
14 pursuant to the procedures set forth in the Federal Rules of Civil Procedure or pursuant to state
15 law. *Id.* Under Nevada law:

16 A judgment creditor, at any time after the judgment is entered, is
17 entitled to an order from the court requiring the judgment debtor to
18 appear and answer upon oath or affirmation concerning his or her
19 property, before:

18 (a) The judge or a master appointed by the judge; or

19 (b) An attorney representing the judgment creditor,

20 at a time and place specified in the order. No judgment debtor may
21 be required to appear outside the county in which the judgment
22 debtor resides.

22 Nevada Revised Statutes (“NRS”) 21.270(1).

23 The Court agrees that this sixth requested judgment debtor examination is authorized
24 under the aforementioned law. As before, the undersigned expresses no view regarding the
25 several categories of documents Plaintiff requests that the Judgment Debtor bring to the
26 examination.

27 Based on the foregoing and good cause appearing therefor,
28

IT IS HEREBY ORDERED that Plaintiff's Application for Judgment Debtor Examination is **GRANTED**.

IT IS FURTHER ORDERED that Judgment Debtor, **Harry H. Shull**, shall appear and be examined under oath on **June 28, 2016, at 10:00 a.m.**, at the offices of **Snell & Wilmer L.L.P., 3883 Howard Hughes Parkway, Suite 1100, Las Vegas, Nevada 89169**, to then and there answer questions under oath regarding his assets and his means of paying the judgment in this matter and for such other proceedings as there may occur consistent with proceedings supplementary to execution.

IT IS FURTHER ORDERED that Judgment, Harry H. Shull, shall refrain from effectuating any transfer of or interference with any of his property that is not exempt from execution.

IT IS FURTHER ORDERED that a copy of this order shall be personally served upon the Judgment Debtor at least fourteen (14) calendar days before the judgment debtor examination scheduled herein and proof of service filed with the Court. Failure to appear may subject the Judgment Debtor to punishment for contempt of court.

DATED: April 15, 2016



UNITED STATES MAGISTRATE JUDGE