

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OSCAR RENTERIA, *et al.*,)
Plaintiff,)
vs.)
EUGENE CLEVELAND CANEPA,)
Defendant.)
Case No. 3:11-cv-00534-ECR-CWH
ORDER

This matter is before the Court on Plaintiffs' Motion for Supplementary Proceedings (#16), filed August 23, 2012. Having secured a judgment in its favor for approximately \$999,000.00, Plaintiffs request an order seeking post-judgment discovery from several third parties who may have information regarding the assets of Defendant Canepa.

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

A judgment creditor, at any time after the judgment is entered, is entitled to an order from the court requiring the judgment debtor to appear and answer upon

oath or affirmation concerning his or her property, before:

- (a) The judge or a master appointed by the judge; or
- (b) An attorney representing the judgment creditor,

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

Nevada Revised Statutes (“NRS”) 21.270(1). Further, in aid obtaining information about a judgment debtor’s assets “[w]itnesses may be required to appear and testify before the judge or master conducting any proceeding under this chapter in the same manner as upon the trial of an issue.” *See* NRS 21.310.

Plaintiffs seek to conduct discovery, including the examination of: (1) the person most knowledgeable at FQ Men’s Club, Inc. (“Men’s Club”); (2) Jennifer Curtis or the current controller of the Men’s Club; and (3) Steve Coker or the current general manager of the Men’s Club. Plaintiffs also plan to obtain the financial records of the Men’s Club through a subpoena duces tecum. The Court finds there is good cause for the request as the sought after information is tailored toward discovery of the judgment-debtor’s assets. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Supplementary Proceedings (#16) is granted.

DATED this 4th day of October, 2012.

C.W. Hoffman, Jr.
C.W. Hoffman, Jr.
United States Magistrate Judge