

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Mente Group LLC v. Arnell Enterprises, Inc.

Mente Group · No. 20-cv-07459-VKD · Decided March 9, 2023

SUMMARY

The United States District Court for the Northern District of California granted Mente Group LLC’s motion to compel Arnell Enterprises, Inc. to produce documents concerning its assets and potential asset transfers for post-judgment collection. The court ordered production responsive to specified requests by March 24, 2023, denied Mente’s request for attorneys’ fees without prejudice, and vacated the hearing.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 9, 2023
DOCKET	20-cv-07459-VKD
DISPOSITION	other
PROCEDURAL POSTURE	Judgment creditor Mente Group LLC moved to compel judgment debtor Arnell Enterprises, Inc. to produce documents in post-judgment discovery concerning Arnell's assets and asset transfers.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- commercial litigation
- attorney fees
- breach of contract

PRACTICE AREAS

- civil procedure
- commercial litigation
- contracts
- remedies

QUESTIONS PRESENTED

1. Whether a judgment creditor may compel the judgment debtor to produce documents concerning assets and asset transfers under Federal Rule of Civil Procedure 69(a)(2).

2. Whether Mente was entitled to attorneys' fees under Federal Rule of Civil Procedure 37(a)(5)(A) for bringing the motion to compel.

HOLDINGS

1. A judgment creditor may obtain discovery from the judgment debtor under Federal Rule of Civil Procedure 69(a)(2) to identify assets available to satisfy the judgment or concealed or fraudulently transferred assets. Because Arnell failed without justification to produce documents responsive to the specified requests, the motion to compel was granted.
2. Mente's request for attorneys' fees was denied without prejudice because it was inadequately briefed and the parties did not use the court's expedited discovery-dispute procedures.

KEY QUOTATIONS

“Post-judgment discovery may be used to identify assets that can be used to satisfy a judgment or to discover concealed or fraudulently transferred assets.” (at 1)

“The Court grants Mente’s motion to compel. Arnell must produce all documents in its possession, custody, or control responsive to Mente’s RFPs 4-9, 12, 14, 20, 21, 23, 27, 32, 34, 40, 44, 45, 56, 60, 61, and 65 by March 24, 2023, unless the parties stipulate to a different date.” (at 3)

FACTUAL BACKGROUND

Mente obtained a judgment against Arnell for actual damages, attorneys' fees, and costs totaling \$403,902.28, exclusive of interest. To identify assets available to satisfy the judgment and possible transfers intended to avoid payment, Mente served Arnell with post-judgment requests for production. Arnell produced some documents but allegedly failed to provide complete responses and offered no substantive justification for the deficiencies.

PROCEDURAL HISTORY

The court previously granted partial summary judgment for Mente on its breach-of-contract claim and on Arnell's counterclaims and affirmative defenses, awarded Mente actual damages, and entered judgment. The court later awarded Mente attorneys' fees and costs. Mente then served post-judgment requests for production, contended that Arnell's production was incomplete, and moved to compel. The court granted the motion to compel, denied the request for attorneys' fees without prejudice, and vacated the scheduled hearing.

DISPOSITION

other

CASES CITED

- Ryan Inv. Corp. v. Pedregal de Cabo San Lucas, No. C 06-3219 JWRS, 2009 WL 5114077, at *1 (N.D. Cal. Dec. 18, 2009)

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