

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Pop Top Corp. v. Rakuten Kobo Inc.

Pop Top · No. 20-cv-04482-YGR (DMR) · Decided June 23, 2025

SUMMARY

The Northern District of California denied Rohit Chandra’s motion to quash subpoenas, obtain a protective order regarding interrogatories, quash a judgment debtor examination, and obtain sanctions. The court held that Chandra’s pending Federal Circuit appeal did not automatically stay post-judgment discovery, that he remained a judgment debtor, and that the requested discovery into his personal assets was not shown to be duplicative, irrelevant, or unduly burdensome. The court directed the parties to submit a stipulated protective order concerning Chandra’s bank records.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Donna M. Ryu
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 23, 2025
DOCKET	20-cv-04482-YGR (DMR)
DISPOSITION	other
PROCEDURAL POSTURE	Judgment debtor Rohit Chandra moved to quash third-party subpoenas, obtain a protective order concerning interrogatories, quash a debtor's examination, and obtain sanctions. The district court denied the motion.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- discovery dispute
- sanctions
- civil procedure
- commercial litigation
- asset protection

PRACTICE AREAS

- civil procedure
- judgment enforcement
- commercial litigation
- patent litigation

QUESTIONS PRESENTED

1. Whether Chandra's pending appeal automatically stayed Kobo's post-judgment discovery.
2. Whether Chandra could object to the discovery as a nonparty after the court added him as a judgment debtor.
3. Whether the post-judgment subpoenas, interrogatories, and debtor's examination were duplicative, overly broad, irrelevant, or disproportionate.
4. Whether Kobo's post-judgment discovery warranted sanctions for harassment or abusive tactics.
5. Whether Chandra's privacy concerns required quashing the discovery or entering a protective order.

HOLDINGS

1. A pending appeal does not automatically stay post-judgment discovery, particularly when the judgment debtor has not sought a stay of enforcement or posted a supersedeas bond.
2. Chandra could not avoid post-judgment discovery on the ground that he was a nonparty because the court had added him as a judgment debtor, and that order remained effective while his appeal was pending.
3. Kobo was entitled to broad post-judgment discovery concerning Chandra's personal assets, including third-party bank subpoenas, interrogatories, and a judgment debtor's examination, and the discovery was not shown to be duplicative, irrelevant, or unduly burdensome.
4. Chandra's privacy concerns did not require quashing the discovery because the concerns could be mitigated through a stipulated protective order governing his bank records.
5. Sanctions were not warranted because Chandra did not establish that Kobo's post-judgment discovery was harassing, abusive, unduly burdensome, or obviously irrelevant.

KEY QUOTATIONS

"Federal Rule of Civil Procedure 69(a)(2) provides that, "[i]n aid of the judgment or execution, the judgment creditor . . . 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."" (Legal Standard)

"Kobo is entitled to examine Chandra's personal assets to satisfy the attorneys' fee award, including through the use of third-party subpoenas to his banks, interrogatories, and a judgment debtor's exam." (Discussion, third ground)

"For the foregoing reasons, the court denies Chandra's motion." (Conclusion)

FACTUAL BACKGROUND

Rakuten Kobo obtained an attorneys' fee award against Pop Top Corp. after prevailing on summary judgment in the underlying patent litigation. When Pop Top did not timely pay, the court added Pop Top's principal, Rohit Chandra, as a judgment debtor after finding that he was Pop Top's alter ego. Kobo then sought information about Chandra's assets through subpoenas to Charles Schwab and Wells Fargo, interrogatories, and a debtor's examination. Chandra argued that the pending appeal, his status as a nonparty, duplication, privacy concerns, and alleged harassment barred the discovery.

PROCEDURAL HISTORY

After the court entered summary judgment for Rakuten Kobo and awarded Kobo \$274,721.43 in attorneys' fees, Pop Top failed to timely pay. The court later added Pop Top's principal, Rohit Chandra, as a judgment debtor after finding that he was Pop Top's alter ego; Chandra appealed that order, but the appeal remained pending. Kobo then served post-judgment discovery on Chandra and third parties to identify assets, prompting this motion. The court denied the requested relief but directed the parties to submit a stipulated protective order for Chandra's bank records.

DISPOSITION

other

CASES CITED

- Pop Top Corp. v. Rakuten Kobo Inc., Case No. 22-1688, Docket No. 39 (Fed. Cir.)
- In re PersonalWeb Techs., LLC, No. 18-MD-02834-BLF, 2023 WL 3510391, at *2 (N.D. Cal. May 16, 2023)
- JW Gaming Dev., LLC v. James, 544 F. Supp. 3d 903, 926 (N.D. Cal. 2021)
- Ryan Inv. Corp. v. Pedregal de Cabo San Lucas, No. C 06-3219 JWRS, 2009 WL 5114077, at *1, *4 (N.D. Cal. Dec. 18, 2009)
- Cellspin Soft, Inc. v. Fossil Grp., Inc., No. 17-cv-05933-YGR (KAW), 2018 WL 11471632, at *2 (N.D. Cal. Nov. 21, 2018)
- Virgin Scent, Inc. v. BT Supplies W., Inc., No. CV 21-00184-DMG (ASX), 2023 WL 12011478, at *1 (C.D. Cal. May 5, 2023)
- Johnson v. Storix, Inc., No. 14-CV-1873-H-BLM, 2017 WL 2779265, at *3 (S.D. Cal. June 27, 2017)
- Pop Top Corp. v. Rakuten Kobo Inc., Case No. 25-1392 (Fed. Cir.)

OPINION

Pop Top Corp v. Rakuten Kobo Inc.

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 POP TOP CORP, Case No. 20-cv-04482-YGR (DMR) 8 Plaintiff,

ORDER DENYING ROHIT

9 v. CHANDRA’S MOTION TO QUASH,

FOR A PROTECTIVE ORDER ON

10 RAKUTEN KOBO INC., INTERROGATORIES, AND TO

QUASH DEBTOR’S EXAMINATION

11 Defendant. Re: Dkt. No. 146 12 13 Judgment Debtor Rohit Chandra (“Chandra”) seeks relief
from certain discovery 14 propounded and sought by Defendant Rakuten Kobo Inc. (“Kobo”).

[Docket No. 146.] 15 Specifically, Chandra seeks to quash subpoenas that Kobo issued to nonparties Charles Schwab and 16 Wells Fargo; a protective order as to interrogatories propounded on Chandra; and to quash a debtor’s 17 examination as to Chandra. *Id.* Chandra also seeks sanctions against Kobo. *Id.* at 11-12. Kobo 18 filed an opposition (Docket No. 151), and Chandra filed a reply (Docket No. 152). This matter is 19 suitable for determination without oral argument. Civ. L.R. 7-1(b). For the reasons stated below, 20 the court denies Chandra’s motion.

21 I. BACKGROUND

22 A detailed history of this litigation is set forth in prior orders. [Docket Nos. 121, 134.] As 23 is relevant here, after the court granted summary judgment in 2022 in favor of Kobo, the court found 24 that Kobo was entitled to attorneys’ fees under the Patent Act. [Docket Nos. 50, 77.] The court 25 thus ordered Plaintiff Pop Top Corp. (“Pop Top”) to pay Kobo \$274,721.43 in fees within 30 days. 26 [Docket No. 77.] The Federal Circuit affirmed the attorneys’ fees award. *Pop Top Corp. v. Rakuten* 27 *Kobo Inc.*, Case No. 22-1688, Docket No. 39. 1 After Pop Top failed to timely pay the fees, Kobo moved to amend the judgment to add Pop 2 Top’s principal, Chandra, as a judgment debtor, assign Pop Top’s patents to Kobo, and hold Pop 3 Top and Chandra in civil contempt for failure to timely pay the attorneys’ fees. [Docket No. 107.] 4 After Chandra declined to consent to magistrate judge jurisdiction¹ (Docket No. 119), the 5 undersigned issued a report and recommendation that the district judge grant Kobo’s motion to add 6 Chandra as a judgment debtor and deny without prejudice Kobo’s motion to hold Pop Top and 7 Chandra in civil contempt and to assign Chandra’s patents in partial satisfaction of the judgment. 8 [Docket No. 121.] 9 The case was reassigned to the Honorable Yvonne Gonzalez Rogers. [Docket No. 122.] On 10 August 15, 2024, Judge Gonzalez Rogers adopted the undersigned’s report and recommendation in

11 full and added Chandra as a judgment debtor. [Docket No. 134, “Order Adopting R&R.”] In 12 particular, Judge Gonzalez Rogers found that Chandra was an alter ego of Pop Top and that adding 13 Chandra as a judgment debtor would not violate his due process rights. *Id.* at 3-11. Judge Gonzalez 14 Rogers thus granted Kobo’s motion to add Chandra as a judgment debtor. *Id.* at 12. 15 On January 27, 2025, Chandra appealed the Order Adopting R&R adding him as a judgment 16 debtor and the court’s order denying his motion for leave to file a motion for reconsideration of that 17 Order. [Docket No. 150]; *Pop Top Corp. v. Rakuten Kobo Inc.*, Case No. 2025-1392 (Fed. Cir.). 18 As of the date of this order, the appeal remains pending. 19 In an attempt to ascertain Chandra’s personal assets, Kobo served post-judgment discovery: 20 it served subpoenas on Charles Schwab and Wells Fargo and interrogatories on Chandra, and also 21 seeks a debtor’s examination of Chandra. See *Mot.* at 7-9.

22 II. LEGAL STANDARD

23 Federal Rule of Civil Procedure 69(a)(2) provides that, “[i]n aid of the judgment or 24 execution, the judgment creditor . . . may obtain discovery from any person—including the judgment 25 debtor—as provided in these rules or by the procedure of the state where the court is

located.” Courts 26 27 1 Pop Top and Kobo consented to magistrate judge jurisdiction. [Docket Nos. 7, 20.] The 1 in the Northern District “recognize[] that the scope of post-judgment discovery is broad.” In re 2 PersonalWeb Techs., LLC, No. 18-MD-02834-BLF, 2023 WL 3510391, at *2 (N.D. Cal. May 16, 3 2023) (citing JW Gaming Dev., LLC v. James, 544 F. Supp. 3d 903, 926 (N.D. Cal. 2021)); see Ryan 4 Inv. Corp. v. Pedregal de Cabo San Lucas, No. C 06-3219 JWRS, 2009 WL 5114077, at *4 (N.D. 5 Cal. Dec. 18, 2009) (“As several federal courts have noted, Rule 69 discovery can indeed resemble 6 the proverbial fishing expedition, but a judgment creditor is entitled to fish for assets of the judgment 7 debtor.”) (cleaned up; emphasis in original). “Even so, there are real limits to this discovery based 8 on proportionality, harassment, and whether the discover is reasonably calculated to lead to relevant 9 information.” JW Gaming Dev., 544 F. Supp. 3d at 926.

10 III. DISCUSSION

11 Chandra objects to Kobo’s post-judgment discovery on three grounds: (1) the Federal Circuit 12 appeal stays post-judgment discovery; (2) he is a non-party and, as such, the discovery violates his 13 privacy rights; and (3) the discovery is overly broad, irrelevant, and duplicative. Mot. at 2-4, 7-9. 14 None of Chandra’s arguments have merit. 15 First, Chandra’s appeal does not automatically stay post-judgment discovery, particularly 16 where he did not move to stay enforcement or post a bond. See Cellspin Soft, Inc. v. Fossil Grp., 17 Inc., No. 17-cv-05933-YGR (KAW), 2018 WL 11471632, at *2 (N.D. Cal. Nov. 21, 2018) 18 (“Plaintiff suggests that the Court should stay post-judgment enforcement proceedings during the 19 pendency of the appeals. . . . Plaintiff provides no authority that would otherwise suggest a stay is 20 necessary, particularly where Plaintiff has failed to file a supersedeas bond.”) (citations omitted); 21 Virgin Scent, Inc. v. BT Supplies W., Inc., No. CV 21-00184-DMG (ASX), 2023 WL 12011478, 22 at *1 (C.D. Cal. May 5, 2023) (“Given Defendant has failed to seek a stay of enforcement or post a 23 bond or other security, Plaintiff is entitled to seek this discovery while Defendant’s post-judgment 24 motions and appeal are pending.”) (citing Fed. R. Civ. P. 62); Johnson v. Storix, Inc., No. 14-CV-25 1873-H-BLM, 2017 WL 2779265, at *3 (S.D. Cal. June 27, 2017) (“Johnson is not entitled to a stay 26 pending appeal. Accordingly, the Court overrules Johnson’s objections to post-judgment discovery. 27 Johnson must comply with the post-judgment discovery requests . . .”). 1 Second, the August 15, 2024 Order Adopting R&R indisputably added Chandra as a 2 judgment debtor. Although Chandra has appealed that order, the Federal Circuit has not yet issued 3 its decision, and the Order Adopting R&R still stands. See Pop Top Corp. v. Rakuten Kobo Inc., 4 Case No. 25-1392 (Fed. Cir.). Chandra’s arguments that he is a non-party are thus meritless. 5 Third, although neither party attached the subpoenas and interrogatories at issue, it appears 6 the requested discovery is not duplicative. Chandra provides one example of an interrogatory he 7 contends is duplicative of his October 5 and 6, 2023 deposition testimony about his finances: 8 Do you currently own, claim an interest in (directly or indirectly). [sic] Or possess any real property or owned claimed interest in or 9 possessed any real property at any time since January 1, 2020? If

your answer to this interrogatory is in the affirmative state or identify: 10

11 Reply at 3.2 The fact that Kobo questioned Chandra about his finances once before does not
12 preclude Kobo from seeking additional discovery in the post-judgment phase. More than a year
13 and a half has passed since his deposition, and it is entirely possible that his finances may have
14 changed since then. 15 Moreover, Kobo represents that the prior post-judgment discovery that
16 was served prior to the addition of Chandra as a judgment debtor related to Pop Top's assets,
17 not Chandra's. Opp'n at 4. Kobo is entitled to examine Chandra's personal assets to satisfy the
18 attorneys' fee award, including through the use of third-party subpoenas to his banks,
19 interrogatories, and a judgment debtor's exam. *Ryan Inv. Corp. v. Pedregal de Cabo San Lucas*,
20 No. C 06-3219 JWRS, 2009 WL 20 5114077, at *1 (N.D. Cal. Dec. 18, 2009) ("The judgment
21 creditor must be given the freedom to make a broad inquiry to discover hidden or concealed
22 assets of the judgment debtor. . . . A judgment creditor is therefore ordinarily entitled to a very
23 thorough examination of a judgment debtor with respect to its assets, including discovery of the
24 identity and location of any of the judgment debtor's assets, wherever located") (cleaned up);
25 see Fed. R. Civ. P. 69 Adv. Comm. Notes to 1970 Amendment ("The [Rule 69] amendment
26 assures that, in aid of execution on a judgment, all discovery procedures provided in the rules
27 are available and not just discovery via the taking of a deposition."). 2 Chandra's concerns
about his privacy rights are mitigable in light of Kobo's prior 3 "agree[ment] to treat Chandra's
bank records as 'confidential' subject to protective order." Opp'n 4 at 5. To that end, by July 7,
2025, the parties jointly shall submit a proposed stipulated protective 5 || order based on the
Northern District of California's Stipulated Protective Order for Standard 6 || Litigation. The
submission must comply with Judge Ryu's Standing Order § 16. 7 As a final matter, on this record,
the court cannot find that Kobo has engaged in harassing 8 || or abusive tactics that warrant
sanctions. Chandra has not shown that Kobo's post-judgment 9 discovery is unduly burdensome or
obviously irrelevant. As explained above, Chandra is a 10 || judgment debtor and, as such, is liable
for paying Kobo's fee award. The fact that Chandra is self- 11 represented does not relieve him
from complying with the Federal Rules of Civil Procedure or any 12 || court orders. See Civ. L.R.
3-9(a) ("A person representing him or herself without an attorney is 13 bound by the Federal
Rules, as well as by all applicable local rules.")°

14 || Iv. CONCLUSION

15 For the foregoing reasons, the court denies Chandra's motion. 16 = 17 IT IS SO ORDERED. Z
18 Dated: June 23, 2025 Lie 19 Donna M. Ryu 20 Chief Magistrate Judge 21 22 23 24 25 26 3
Kobo contends that Chandra failed to meet and confer prior to filing this motion, in violation of
the court's prior order. Opp'n at 2-3; Docket No. 118 ("Chandra's motion to quash Defendant's 07
subpoenas to Wells Fargo and Charles Schwab is denied without prejudice for failure to meet and
confer with Defendant. ... If Defendant issues further subpoenas, the parties must meet and confer
2g || before filing any motion(s) challenging the subpoena(s)."). Future violations may result in
sanctions, including the denial of motions without prejudice.

