



LAW OFFICES OF
STEVE QI & ASSOCIATES
博雄聯合律師事務所

NEWSLETTER ISSUE No. 7 Jan. 18, 2010

LAW FIRM SCORES A HUGE VICTORY IN SUCCESSFUL ENFORCEMENT OF A JUDGMENT OF A LAWSUIT

我所成功地為訴訟客戶執行法庭判決

January 18, 2010, Los Angeles – The start of the new year marked our firm's successful enforcement of a judgment on January 7, 2010, in the amount close to half a million dollars against Defendants (also Judgment Debtors) who refused to pay the judgment amount. The Defendants paid the entire amount within days of enforcement, while Los Angeles County Sheriff, under court order and instruction from Plaintiff (also Judgment Creditor), was in the midst of trucking away their inventory.

As reported in our previous newsletter, our firm won a jury trial against a California corporation and its president in May 2009 with a jury verdict of \$370,000 plus interest. This verdict was reported on November 13, 2009 by Daily Journal, California's largest legal newspaper. A judgment in the amount of \$433,795 was subsequently signed into order against the Defendants on October 23, 2009.

After the jury verdict was rendered, but before the judgment was issued, the Defendants abandoned their prior business location, removed the entire inventory to another location, under a different company name. The conduct was obviously a brazen attempt to avoid paying the judgment amount to Plaintiff in the original lawsuit. True enough, when the judgment was entered in October 23, 2009, Plaintiff's request for payment of judgment amount was totally ignored.

As Plaintiff's attorney of record from the very beginning of the case, our firm filed and obtained a prejudgment attachment in September 2009 against Defendants after becoming aware of their moving the inventory. Seeing the attachment is not going to be effective under the circumstances, Steve Qi, the lead attorney for the case, decided to seek enforcement after the judgment was rendered in late October 2009. Our firm subsequently obtained a writ of execution and a private place order from the court and requested the Sheriff of Los Angeles County to physically enforce the judgment.

With the private place order, the Sheriff can forcibly enter into a private place to levy the properties belonging to judgment debtors and remove them for auction to satisfy the judgment. As it happened on January 7, 2010, when deputy Sheriffs entered the business premises of a company operating under a different name than Defendants, they found the entire inventory in the warehouse still bearing Defendants' company name. The Sheriff subsequently placed the levy on the entire inventory and started trucking the inventory away to Sheriff's storage warehouse for future auction.

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On the very same morning when the Sheriff was in the midst of trucking away the inventory, Defendants immediately agreed to pay the entire judgment amount plus additional interest accrued after the judgment in the amount close to half a million dollars. They are also responsible for all the costs associated with enforcement costs by the Sheriff. This is a huge victory for Plaintiff as he not only won a judgment, he also got the entire judgment amount through his attorney's carefully planned enforcement effort against Defendants.

As is the case with so many business and civil lawsuits, plaintiffs are often given judgments by their attorneys whose jobs are normally to win a lawsuit only, which means it ends upon obtaining a judgment. The enforcement of the judgment, however, is usually outside the scope of litigation legal representation. The majority of these plaintiffs often end up hiring a new lawyer to enforce the judgment. These lawyers, who are not familiar with the case in the first place, usually cost judgment creditors and plaintiffs substantially more legal fees and costs.

Our firm was retained by the client (Plaintiff) to initiate the lawsuit in the first place. We subsequently obtained a judgment in the business litigation, and successfully completed our job with a jury verdict and a judgment. When Defendants orchestrated concealment of assets to avoid payment of judgment, it became clear that the Plaintiff would need legal assistance to enforce the judgment. Our law firm timely offered swift, forceful and effective litigation support to avert a total disaster of an empty judgment.

The Law Offices of Steve Qi and Associates has been involved in many other business and civil litigation cases in which we prevailed through trial or before trial on the merits of the case, even though sometimes the case looks very unfavorable to our clients at first. In addition to litigation, the firm is also legal counsel to numerous local and international corporations, and is heavily involved in transactional legal activities such as mergers and acquisitions, drafting all kinds of legal documents such as contracts, employee handbooks, etc. The firm also helps business clients in handling intellectual property matters such as trade mark and copyright.

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我所成功地為訴訟客戶執行法庭判決

2010年1月18日，洛杉磯 — 新年伊始，我所成功地針對一名拒不履行法庭裁決的法定債務人，為法定債權人成功執行了該項判決，判決金額接近五十萬美元。本案被告在洛杉磯縣警察根據法庭執行令和原告指示下使用專用卡車運走公司貨物時，立即在數日內支付了該判決的所有金額。

我所在之前2009年7月1日的新聞信（第四期）中已經報導過，我所在2009年的5月為該客戶贏得的37萬美元附加利息的陪審團裁決。加州最大的專業法律新聞媒體“每日法律新聞”（**Daily Journal**），在2009年11月13日對此案作了特別報導。（請參閱我所第六期新聞信）。審理法官在2009年10月23日正式簽署了該案判決書，總賠償金額達\$433,795美元。

但在陪審團作出裁判後，和在法院發出正式裁決之前的這檔期，被告的公司棄置了原本的辦公地址，把所有貨物搬到另一個新地方，並更改了公司名稱。這行徑顯而易見地是要逃避支付法院裁定欠款。果不其然，當案件的裁判終於在2009年10月23日定下來時，被告人對原告的還款要求置若罔聞。

作為從最開始就是原告的代表律師，我所在發現被告開始偷偷搬走貨物之後，瞬即在2009年9月申請並取得了判決前的扣押令。當我所的首席律師--威博雄律師預料到被告並不會對裁決作出賠償時，他果斷地於2009年10月正式裁決作出後，申請強制執行令。在我所從法院取得了強制令(writ of execution)及私人地方搜索令(private place order)之後，即馬上請求洛杉磯縣的警察局(Sheriff)執行該法院裁決。

私人地方搜索令可容許警察強行進入一個私人地方，扣押屬於法定債務人的物品，並移走它們並進行拍賣，以贖還裁判欠款。當警察們在2010年1月7日進入被告的新地址時，他們在該倉庫內發現了全部的貨物，上面還印著被告舊公司的名字。警察們隨即扣押整批貨物，並送到警察的貯藏倉庫，等候拍賣。

法定債務人和案件被告在眼看著自己的貨物被一車車拉走時，立刻同意繳付所有裁決欠款，並加裁決後累積的額外利息，總數接近五十萬美元。他們也需要承擔警察執行強制令的所有有關費用。這是原告和法定債權人的一項重大勝利，因為他們不但贏得案件的裁決，並且從律師針對被告和法定債務人謹慎而大膽地採取的執行計劃中，取得了所有的裁定欠款。



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在很多的民商诉讼案件中，原告的律師通常只负责打官司，在取得案件的勝利后，卻不會幫助執行判決，因为通常执行判决是在法律诉讼代表范畴之外。所以，原告只好聘請另一名對案件毫不熟悉的律師代表執行裁判，这样常常費時費錢。

我所最初受客人（本案原告）委托受理此案。最终，我们帮助客人成功地赢得了陪审团审判，及取得了法院的裁定。当本案被告精心策划转移财产、拒付法院判决计划之时，原告毋庸置疑需要专业的法律帮助来取得法院裁定欠款。我所在本案中及时地为原告提供有效法律服务来避免一场无法履行法院裁定的悲剧发生。

博雄聯合律師事務所曾參與多宗商業及民事訴訟案件，並在審訊前或審訊的過程中獲得勝利，雖然部份案件在表面看來勝利機會渺茫。除了訴訟外，我們也為多家本地及國際股份有限公司擔任法律顧問，並經常在法律上協助進行商務活動，包括合併收購，和擬寫各類法律文件如合約及員工手冊等。我們也幫助客戶處理知識產權的事宜，例如商標及版權。

如需了解更多博雄聯合律師事務所的相關信息，敬請聯絡：

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