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FILED
San Francisco County Superior Court

DEC 01 2010

CLERK OF THE COURT

BY: *[Signature]*
Deputy Clerk

5 DAVID J. COOK, ESQ., S.B. # 060859
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11 File No. 54,225



THE ANNEXED INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN MY OFFICE
ATTEST: CERTIFIED

DEC 03 2010

CLERK OF THE COURT
BY: *[Signature]*
DEPUTY CLERK
BOWMAN LIU

12 Attorneys for Plaintiffs
JOSEPH GARZA and MARY GARZA

13 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO
15 UNLIMITED CIVIL JURISDICTION
16

17 JOSEPH GARZA and MARY GARZA,)
18 Plaintiffs,)
19 vs.)
20 ASBESTOS CORPORATION)
LIMITED,)
21 Defendant.)
22

ASBESTOS
CASE NO. CGC-05-438144

[PROPOSED] ORDER GRANTING MOTION
FOR ASSIGNMENT OF RIGHTS AND
RESTRAINING ORDER [ALL BANKS]

23 Said notice of motion and motion for assignment of rights having come on regularly for
24 hearing this 1st day of December, 2010 at 9:00 a.m. in Dept. 220, before the Honorable Harold E.
25 Kahn, Presiding Judge of the Superior Court, and David J. Cook, Esq. And Nathaniel L. Dunn,
26 Esq., appearing on behalf of Plaintiffs JOSEPH GARZA AND MARY GARZA, and Mary E.
27 Gambino, Esq., appearing on behalf of Defendant ASBESTOS CORPORATION LIMITED
28

1 ("ACL"), and for good cause appearing, therefore,

2 IT IS HEREBY ORDERED that Plaintiffs' motion for assignment of rights and restraining
3 order is granted in part and with a significant limitation.

4 IT IS FURTHER ORDERED that Defendant ASBESTOS CORPORATION LIMITED
5 ("Defendant ACL") ~~must forthwith assign, and~~ be deemed assigned, all its deposits, deposit
6 accounts, or rights to payment of money, in any bank accounts of whatever description it has in
7 any and all of the financial institutions listed on Exhibit B in favor and for the benefit of the
8 Plaintiffs JOSEPH GARZA and MARY GARZA ("Plaintiffs GARZAS"), care of its attorney,
9 David J. Cook, Cook Collection Attorneys, P.L.C., 165 Fell Street, Third Floor, San Francisco, CA
10 94102 for purposes of payment of the Judgment in the amount of \$11,239,005.53, in which the
11 current balance is now \$15,700,736.77, including accrued interest, as of July 30, 2010, plus
12 interest and costs as may be allowed.

13 IT IS FURTHER ORDERED that all deposits, deposit accounts, or rights to payment of
14 money, as listed on Exhibit B, in which Defendant ACL has an interest therein, be and the same
15 are assigned to Plaintiffs GARZAS who shall have all rights and subrogated to the rights of
16 Defendant ACL in and to those accounts. Any funds in the hands of or under the control of
17 Defendant ACL on account of such banks shall be deemed assigned to Plaintiffs GARZAS.

18 IT IS FURTHER ORDERED that the assignment herein reaches all deposits and deposit
19 accounts, rights to payment of money, and funds held by any of the banks listed on Exhibit B in
20 which Defendant ACL or any of its divisions or subdivisions which are not separately incorporated
21 or separately organized entities.

22 IT IS FURTHER ORDERED that Defendant ACL is barred, prohibited and stayed from
23 accessing, receiving, disposing, transferring, hiding, secreting, or concealing any of the deposits,
24 deposit accounts, or rights to payment of money, held or due from any of the banks listed on
25 Exhibit B, in that those deposits, deposit accounts, or rights to payment of money, are assigned to
26 Plaintiffs GARZAS.



1 IT IS FURTHER ORDERED that the assignment does not extend to the contents of safe
2 deposit boxes and does not include Defendant's subsidiaries or any other separately incorporated
3 or organized entities. The significant limitation is that this is an assignment only that operates only
4 on the Defendant and does not permit or contemplate the service of any ^{Legal Process} ~~levies~~ on the financial
5 institutions themselves, ^{other than the sending of this order,}
6 ^{AND letter attached}

IT IS FURTHER ORDERED Plaintiffs have withdrawn their request for a turnover order.

7
8 DATED: 12/1/10


HAROLD E. KAHN
PRESIDING JUDGE OF THE SUPERIOR COURT

9
10 **NOTICE TO JUDGMENT DEBTOR**

11 PLEASE TAKE NOTICE THAT THE COURT HAS ENTERED AN ORDER
12 ASSIGNING CERTAIN RIGHTS AND PROVIDING FOR A RESTRAINING ORDER, AND
13 OTHER RELIEF. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN
14 CONTEMPT IN WHICH YOU MAY BE INCARCERATED IN THE COUNTY JAIL. OF NOT
15 MORE THAN 5 DAYS AND PAYMENT OF NOT MORE THE SUM OF \$1,000 PURSUANT
16 TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1209, SUBJECT TO THE
17 LIMITATION THAT A CORPORATION MAY NOT BE THE SUBJECT OF
18 INCARCERATION.



EXHIBIT "B"



EXHIBIT "B"

LIST OF CANADIAN BANKS

ABN AMRO Bank N.V.

Allied Irish Banks, P.L.C.

AMEX Bank of Canada

Amicus Bank was in voluntary liquidation and its assets repaired in CIBC

AmTrust Bank, Canadian Branch

Banque canadienne nationale merged with Provincial Bank of Canada/Banque provinciale du Canada to become National Bank of Canada Provincial Bank of Canada/Banque provinciale du Canada. Merged with Banque canadienne nationale to become National Bank of Canada

Bank of Alberta and the Western & Pacific Bank of Canada merged to become Canadian Western Bank

Bank of America Canada (in voluntary liquidation)

Bank of America, National Association

Bank of British Columbia's assets acquired by HSBC Canada

Bank of China (Canada)

Bank of Canada (Central Bank)

Bank of Montreal

Bank of New York Mellon (The)

Bank of Nova Scotia

Bank of the People was purchased by the Bank of Montreal in 1830

Bank of Tokyo-Mitsubishi UFJ (Canada)



Bank of Toronto merged with The Dominion Bank in 1955 to form the Toronto-Dominion Bank,

now known as TD Bank Financial Group.

Bank One Canada (in voluntary liquidation)

Bank West

BNP Paribas (Canada)

Bridgewater Bank

Business Development Bank of Canada

Canadian Bank of Commerce merged with Imperial Bank of Canada in 1961 to form

The Canadian Imperial Bank of Commerce also known as "CIBC"

Canadian Imperial Bank of Commerce

Canadian Tire Bank

Canada Trust merged with Toronto-Dominion Bank in 2000

Canadian Western Bank

Capital One Bank (Canada Branch)

Citco Bank Canada

Citibank Canada

Citibank, N.A.

Citizens Bank of Canada (the bank has become a 'non-deposit taking bank' and therefore no

longer offers savings and loans products)

Comerica Bank

Continental Bank of Canada became Lloyds Bank of Canada

Credit Suisse, Toronto Branch



CS Alterna Bank

CTC Bank of Canada

Desjardins Group. Desjardins Group

Deutsche Bank AG

Dexia Crédit Local S.A.

DirectCash Bank

Dundee Bank of Canada

Eastern Townships Bank with the Canadian Bank of Commerce in 1912

Fifth Third Bank

First Commercial Bank

First Nations Bank of Canada

General Bank of Canada

Glitnir banki hf.

Habib Canadian Bank

HomeEquity Bank

HSBC Bank Canada

HSBC Bank USA, National Association

ICICI Bank Canada

Imperial Bank of Canada merged with Canadian Bank of Commerce to form the Canadian
Imperial Bank of Commerce, also known by the initialism *CIBC*

Industrial and Commercial Bank of China (Canada)

ING Bank of Canada



J.P. Morgan Bank Canada

J.P. Morgan Canada (in liquidation)

Jameson Bank

JPMorgan Chase Bank, National Association

Korea Exchange Bank of Canada

Laurentian Bank of Canada

Lloyds Bank of Canada became HSBC Canada

M&T Bank

Manulife Bank of Canada

Maple Bank

MBNA Canada Bank

Mega International Commercial Bank (Canada)

Merrill Lynch International Bank Limited

Mizuho Corporate Bank (Canada)

Mizuho Corporate Bank, Ltd., Canada Branch

Mercantile Bank of Canada, minority owned by Citibank, was merged into the National Bank

in 1985

Molson Bank of Montreal was merged into the Bank of Montreal in 1925.

Montreal City and District Savings Bank or La Banque d'Épargne converted from a savings bank

to a regular bank and changed its name to Laurentian Bank of Canada

National Bank of Canada

National Bank of Greece's Canadian assets merged into Bank of Nova Scotia in 2005



Northern Trust Company, Canada Branch (The)

Pacific & Western Bank of Canada

PNC Bank Canada

President's Choice Bank

Provincial Bank of Canada/Banque provinciale du Canada. Merged with Banque canadienne
nationale to become National Bank of Canada

Rabobank Nederland

Royal Bank of Canada

Royal Bank of Scotland N.V.

Royal Bank of Scotland (Canada) (In Voluntary Liquidation)

Shinhan Bank Canada

Société Générale (Canada)

Société Générale (Canada Branch)

Standard Bank of Canada merged with Canadian Bank of Commerce in 1928

State Bank of India (Canada)

State Street

Sterling Bank was acquired by Provincial Bank of Canada/Banque provinciale du Canada

Sumitomo Mitsui Banking Corporation of Canada

Toronto-Dominion Bank (operating as "TD Canada Trust")

U.S. Bank National Association

UBS AG Canada Branch

UBS Bank (Canada)



Union Bank of California, N.A.

United Overseas Bank Limited

Walmart Canada Bank

WestLB AG

FAUSERSDJCNEWacl.banks.1



1 PROOF OF SERVICE

2 MARY E. GAMBINO, ESQ.
3 WILSON, ELSER, MOSKOWITZ,
4 EDELMAN AND DICKER, LLP
5 525 Market Street, 17th Floor
6 San Francisco, CA 94104
7 Email: Mary.gambino@wilsonelser.com

8 ASBESTOS CORPORATION LIMITED
9 ATTN: AGENT FOR SERVICE OF PROCESS
10 840 Boulevard Ouellet
11 Thetford Mines, PQ G6G7AF Canada
12 Email: jleboutillier@mazarin-inc.com
13 Fax: (418) 338-6069

14 I declare:

15 I am employed in the County of San Francisco, California. I am over the age of eighteen
16 (18) years and not a party to the within cause. My business address is 165 Fell Street, San
17 Francisco, CA 94102. On the date set forth below, I served the attached:

18 [PROPOSED] ORDER GRANTING MOTION FOR ASSIGNMENT OF RIGHTS AND
19 RESTRAINING ORDER [ALL BANKS]

20 on the above-named person(s) by:

21 XXX (BY MAIL) Placing a true copy thereof, enclosed in a sealed envelope with postage
22 thereon fully prepaid, in the United States mail at San Francisco, California, addressed to the
23 person(s) served above.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on November 30, 2010 at San Francisco, California.

26 _____
27 David J. Cook
28

