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20 File No. 54,225

21 Attorneys for Plaintiffs
22 JOSEPH GARZA and MARY GARZA

23 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
24 COUNTY OF SAN FRANCISCO
25 UNLIMITED CIVIL JURISDICTION

26 JOSEPH GARZA and MARY GARZA,)
27 Plaintiffs,)
28 vs.)
ASBESTOS CORPORATION)
LIMITED,)
Defendant.)

ASBESTOS
CASE NO. CGC-05-438144
ORDER PARTIALLY GRANTING AND
DENYING MOTION FOR MONETARY AND
NONMONETARY SANCTIONS PURSUANT
TO C.C.P. § 2030.300(e), C.C.P. § 2023.030 (a)
and (d)(2) ET SEQ., C.C.P. § 2031.310(e), AND
C.C.P. § 2031.320(c)
Date: January 20, 2011
Time: 9:00 a.m.
Dept.: 220
Presiding Judge: Harold E. Kahn

Said NOTICE OF MOTION AND MOTION FOR MONETARY AND
NONMONETARY SANCTIONS PURSUANT TO C.C.P. § 2030.300(e), C.C.P. § 2023.010(a)
and (d)(2) ET SEQ., C.C.P. § 2031.310(e), AND C.C.P. § 2031.320(c), having come on regularly

ORDER PARTIALLY GRANTING AND DENYING MOTION FOR MONETARY AND NONMONETARY
SANCTIONS PURSUANT TO C.C.P. § 2030.300(e), C.C.P. § 2023.030 (a) and (d)(2) ET SEQ., C.C.P. §
2031.310(e), AND C.C.P. § 2031.320(c)

ENDORSED
FILED
Superior Court of California
County of San Francisco
JAN 24 2011
CLERK OF THE COURT
BY: AUDREY HUJE
Deputy Clerk

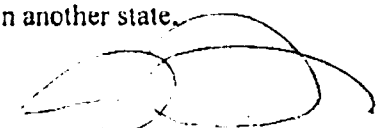
1 for hearing this 20th day of January, 2011 at 9:00 a.m. in Dept. 220, before the Honorable Harold
2 E. Kahn, Presiding Judge of the Superior Court, and Nathaniel L. Dunn, Esq. appearing on behalf
3 of Plaintiffs JOSEPH GARZA AND MARY GARZA, and Mary E. Gambino, Esq., appearing on
4 behalf of Defendant ASBESTOS CORPORATION LIMITED ("ACL"), and for good cause
5 appearing, therefore,

6 IT IS HEREBY ORDERED that Plaintiffs' motion for monetary and nonmonetary
7 sanctions is granted in part and denied in part. The request for monetary sanctions of \$25,000 per
8 day until defendant answers the post-judgment interrogatories is denied on the grounds that there
9 is no California authority authorizing such sanctions.

10 IT IS FURTHER ORDERED that the request for "disentitlement" sanctions is granted in
11 part and denied in part. Defendant is precluded from submitting any opposition to any motion
12 seeking the turnover of personal and/or real property owed by it to this court. Such a disentitlement
13 sanction is within the authority of this court and is reasonably necessary to prevent undue prejudice
14 to plaintiffs from defendant's failure to comply with the November 23 discovery order.


15 IT IS FURTHER ORDERED that the request for disentitlement sanctions with regard to
16 the turning over of property to a Pennsylvania court is denied on the grounds that there is no
17 California authority authorizing such sanctions and the request would be an improper interference
18 with the rules and proceeding of a court located in another state.

19
20 DATED: _____


HAROLD E. KAHN
PRESIDING JUDGE OF THE SUPERIOR COURT

21 APPROVAL AS TO FORM:

22 WILSON, ELSER, MOSKOWITZ,
23 EDELMAN AND DICKER, LLP

24 By: 
MARY E. GAMBINO, ESQ.
25 Attorneys for Defendant

238144
GARZA AND GARZA DEFTS

26 **NOTICE TO JUDGMENT DEBTOR**

1 PLEASE TAKE NOTICE THAT THE COURT HAS ENTERED AN ORDER
2 PROVIDING FOR CERTAIN RELIEF. FAILURE TO COMPLY WITH THIS ORDER MAY
3 RESULT IN CONTEMPT IN WHICH YOU MAY BE INCARCERATED IN THE COUNTY
4 JAIL OF NOT MORE THAN 5 DAYS AND PAYMENT OF NOT MORE THE SUM OF \$1,000
5 PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1209, EXCEPT
6 THAT A CORPORATION CANNOT BE INCARCERATED.

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