Local Rule 7069-1 Execution of Judgment (2014)

(a) Domestication of Judgment. A judgment creditor should domesticate a judgment in the appropriate state court and execute upon the judgment utilizing state law remedies whenever possible.

(b) Motion to Appear. A judgment creditor who holds a judgment that cannot be domesticated under state law may move to compel the judgment debtor, or other person in possession of or having information relating to property or other assets that may be subject to execution or restraint, to appear in court and answer questions concerning the property or assets. The movant, on proper declaration, may request that the judgment debtor or other person be ordered to refrain from alienation or disposition of the property or assets in any way detrimental to the movant's interest.

(c) Hearing Before Bankruptcy Court . A motion under subsection (b) of this rule may be presented to the court ex parte, and, if granted, the matter calendared for hearing, at which the judgment debtor or other person must appear to be examined. In any case in which the movant seeks a restraint of the judgment debtor, the court must make findings and a report for the district court with a proposed order for restraint which the district court may issue.

(d) Failure to Appear. Should the judgment debtor or other person fail to appear as directed, the court may issue such process as is necessary and appropriate, including arrest, to bring the person before the court. If the conduct of the non-responding person is contemptuous, a proper reference must be made by the court to the district court.

(e) Fees and Expenses. The movant must tender a witness fee and mileage or equivalent to any person, with the exception of the judgment debtor, who, under this rule is required to appear in court.

Source URL: https://www.utb.uscourts.gov/local-rules/2014/7069/1?page=2