

Tentative Ruling:

On December 10, 2010, plaintiff Citibank South Dakota NA filed a complaint against defendant Joseph Bramble based on the common counts of open book account, account stated, money lent, and money paid related to a Home Depot credit card. The total debt at issue was \$7,218.19. Mr. Bramble filed an answer on January 19, 2011 in which he did not formally deny or admitted the debt, but asked for a payment schedule. On April 26, 2011, Citibank filed a motion for judgment on the pleadings which was unopposed. On May 31, 2011, the court granted the motion and entered a total judgment in the amount of \$7,773.19 against Mr. Bramble. Writs of execution were issued for levy on Mr. Bramble's bank accounts, none of which were successful. The judgment was renewed on April 29, 2021.

On May 22, 2024, a writ of execution was issued to the Los Angeles County Sheriff. On July 21, 2024, Notice of Hearing on Claim of Exemption was filed. The Los Angeles County Sheriff is not holding any funds. It is not clear from this record what property was executed upon.¹

Mr. Bramble's claim of exemption provides some context clues, contending his 2014 Ford F150, personal bank account and survivor's benefits are all exempt under Code of Civil Procedure section 704.60 (one commercial vehicle is exempt up to \$4,850); section 704.080 (social security benefits directly deposited into a deposit account); and section 704.220 (deposit account containing minimum amount for basic care).

In the opposition, the judgment creditor states: "This Notice is in Opposition to Judgment Debtor's Claim of Exemption for Wage Garnishment." (Opposition, Attachment 5, p. 1, ll. 22-23.) It then requests proof of various assertions made in Mr. Bramble's Financial Statement. The opposition contributes to the confusion in the record by referencing a "wage garnishment." It is unclear from the record whether Mr. Bramble's wages were garnished.

The court cannot make any decisions in a vacuum. The matter is continued to October 2, 2024 at 8:30 a.m. The creditor is ordered to file supplemental briefing 9 court days prior to the next hearing with an explanation of the enforcement process at issue here, whether any wage garnishment has occurred, and what assets, if any, have been levied upon and/or whether any suspension accounts have been created

¹ When deposit accounts into which public benefits are deposited are levied upon, the financial institution must place the excess amounts in a suspense account or otherwise prohibit their withdrawal. This permits the judgment creditor to file a notice of opposition alleging the funds are not exempt. (Code Civ. Proc. § 704.080, subd. (d).) One might speculate this occurred based on Mr. Brambles asserted claim of exemption, but the record does not expressly indicate any such suspense has occurred.

as a result. Mr. Bramble may file supplemental briefing in response at least 5 court days prior to the hearing.

Mr. Bramble's request to continue the hearing was untimely served is, in any event, mooted by this order of continuance.

No appearances are required on August 28, 2024. Both parties will be required to appear on October 2, 2024. Zoom appearance is authorized.

The clerk is directed to serve copies of this ruling on the parties.