

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO

NISSAN MOTOR ACCEPTANCE
CORPORATION, a California
corporation,

Plaintiff,

vs.

ROBERT ALLEN GROUP, INC., AN
IDAHO CORPORATION; ROBERT T.
ALLEN, AN INDIVIDUAL

Defendants.

Case No. 4:19-cv-067-BLW

ORDER TO SHOW CAUSE

WHEREAS, PLAINTIFF NISSAN MOTOR ACCEPTANCE CORPORATION, a California corporation ("NMAC"), by and through its attorney of record, Mark A. Ellingsen of the firm Witherspoon Kelley, filed a Verified Complaint in the above entitled action which asserts for its Second Claim of Relief a cause of action for Claim and Delivery;

NOW THEREFORE, based upon NMAC's Verified Complaint and good cause appearing, IT IS HEREBY ORDERED as follows:

1. That pursuant to I.C. § 8-302(2), Defendant Robert Allen Auto Group, Inc., by and through its officers and/or directors, is hereby Ordered to appear for a hearing before this Court on the **26th** day of **March, 2019**, at the hour of **11:00 a.m.** in the Federal Courthouse in Pocatello Idaho before Judge B. Lynn Winmill,

1 to show cause why the following property identified in NMAC's Verified
2 Complaint:

- 3
- 4 A. Vehicles, attachments and accessories thereto, identified by VIN, make
5 model, year as identified in Exhibit A attached hereto; and
- 6 B. Accessories, equipment, furniture and fixtures which are the Collateral
7 for the loan as referenced in Paragraph 31 of NMAC's Verified
8 Complaint

8 should not be taken from the Defendant and Delivered to the NMAC;

9

10 2. The Defendant may file an affidavit on its behalf with the Court and
11 may appear and present testimony at the time set for the hearing to show cause, or
12 may, at or prior to said hearing, file with this Court a written undertaking to stay the
13 delivery of the property in accordance with I.C. § 8-306;

14

15 3. If the Defendant does not appear at the hearing to show cause, a writ
16 of possession may be issued without further notice to the Defendant.

17

18 NMAC shall serve a copy of this Order, the Verified Complaint and the
19 Summons upon the Defendant not later than **ten** days prior to the date of the
20 above noted show cause hearing by personal service.



DATED: March 4, 2019

B. Lynn Winmill
B. Lynn Winmill
United States District Judge