

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JACQUELINE WEATHERLY,)
CYNTHIA WILLIAMS, and LYDIA)
BURKHALTER,)

Plaintiffs,)

v.)

Civil Action No. 2:10CV192-WHA

ALABAMA STATE UNIVERSITY,)

(wo)

Defendant.)

ORDER

This cause is before the court on Alabama State University’s (“ASU”) Motion for Return of Appeal Bond (Doc. #279), and Motion for Entry of Satisfaction of Judgment (Doc. #280).

As a result of the trial of their claims in this case, Plaintiff Weatherly was awarded \$309,453.06; Plaintiff Williams was awarded \$392,648.23; and Plaintiff Burkhalter was awarded \$376,509.65. (Doc. #173). All three Plaintiffs were further awarded post-judgment interest, attorneys fees, and costs. Plaintiffs Burkhalter and Williams have been paid the full amounts due them. (Doc. #280-6, 280-7). In December 2013, however, the law firm of Lloyd, Gray, Whitehead & Monroe, P.C., which represents ASU, was served with a Process of Garnishment seeking garnishment of \$31,085.28 of Plaintiff Weatherly’s judgment in this case. (Doc. #280-1). The garnishment was based on a December 1, 2011 judgment in favor of Alabama State University against Plaintiff Weatherly in the Circuit Court of Montgomery County, Alabama. (Doc. #284-2). Plaintiff Weatherly, therefore, has been paid only a portion of the amount due her in this case, with the remainder being paid to the Circuit Court of Montgomery County, Alabama.

Plaintiffs Burkhalter and Williams do not oppose ASU's motions. Plaintiff Weatherly, however, has opposed the motions, arguing that judgment has not been satisfied as to her, because some of the amount awarded to her in this case was not paid to her, but was instead improperly interpled into state court. Weatherly's counsel in this case states in her objection to ASU's motions that Weatherly is representing herself in the garnishment action, and that she is seeking relief in Circuit Court to contest the garnishment. Counsel representing Weatherly in this case also argues in brief that this court should order ASU to tender the remainder of her judgment, plus interest.

In response, ASU states that the relief Weatherly requests is improper, and would prejudice it because it would have to incur costs to remove the funds from the Circuit Court of Montgomery, County. ASU does not, however, demonstrate prejudice which would result from allowing the funds to remain in the Circuit Court of Montgomery County until that court has resolved Weatherly's objections to the garnishment and disbursed the funds paid into the court. The garnishment proceedings have only been pending for a short time. Therefore, it appears to this court that the most prudent course of action is to deny ASU's motions at this time, to allow the Circuit Court of Montgomery County to conclude that case. ASU can of course re-file its motions when the garnishment proceedings have concluded, and is not precluded from seeking relief should some demonstrated prejudice arise in the future.

Accordingly, it is hereby ORDERED that the Motion for Return of Appeal Bond (Doc. #279) and Motion for Entry of Satisfaction of Judgment (Doc. #280) are DENIED without prejudice to being re-filed at a later date.

DONE this 23rd day of January, 2014.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE