

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

7

8

9 PepsiCo, Inc., a North Carolina corporation; and The Concentrate
10 Manufacturing Company of Ireland, also trading as Seven-Up International, a
11 corporation,

No. CV-07-2425-PHX-DGC

ORDER AND JUDGMENT

12 Plaintiffs,

13 vs.

14 Los Potros Distribution Center, LLC, a limited liability company; and Santos
15 Hernandez, an individual,

16 Defendants.

17

18 JPMorgan Chase Bank, N.A.,

19 Garnishee.

20

21

22 Plaintiffs obtained a default judgment of \$60,000 and an award of attorneys' fees of
23 more than \$38,000 against Defendants. Dkt. ##20, 29. Plaintiffs have filed an application
24 for judgment on writ of garnishment against JPMorgan Chase Bank, N.A. ("Chase").
25 Dkt. #43. The Court will grant the application.

26 A writ of garnishment and summons directed to Chase was issued on July 10, 2008.
27 Dkt. #38. Chase asserted in its answer to the writ that it owes Defendants \$30,819.75 and
28 that this amount was being withheld from Defendants pursuant to the writ. Dkt. #44-3 at 2.

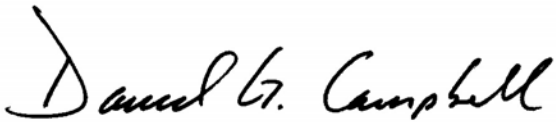
1 Chase further asserted that it had served its answer on Defendants on July 29, 2008. *Id.*
2 Chase requested a \$75 answer fee. *Id.*

3 Defendants have not filed an objection to Chase's answer to the writ. Nor have they
4 filed a response to Plaintiffs' application for judgment on the writ.

5 **IT IS THEREFORE ORDERED:**

- 6 1. Plaintiffs' application for judgment on writ of garnishment (Dkt. #43) is
7 **granted.**
- 8 2. Pursuant to Rule 69 of the Federal Rules of Civil Procedure and A.R.S. § 12-
9 1584, judgment is entered on the writ of garnishment in favor of Plaintiffs and
10 against Garnishee JPMorgan Chase Bank, N.A. in the amount of **\$30,894.75.**
- 11 3. Garnishee shall deliver to Plaintiffs **\$30,819.75**, which represents the
12 \$30,894.75 Garnishee owes Defendants minus a \$75.00 answer fee.
- 13 4. Plaintiffs shall deliver a copy of this order and judgment to Defendants and
14 Garnishee.
- 15 5. The Clerk is directed to **terminate** this action.

16 DATED this 21st day of October, 2008.

17
18 

19
20 _____
21 David G. Campbell
22 United States District Judge
23
24
25
26
27
28