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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 Essex Music, Inc.; Sony/ATV Harmony;)
10 Panther Music Corp.; WB Music Corp.;

No. MC 11-00081-PHX-JAT

11 Chappell & Co., Inc.,
Plaintiffs/Judgment Creditors,)

JUDGMENT
ON WRIT OF GARNISHMENT

12 vs.

13 Sonora Claremont, Inc.; Roberto Flores, )

14 Defendants/Judgment Debtors.)

15 American Express Travel Related )
16 Services, Inc., )

17 Garnishee. )

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Pending before the Court is Plaintiffs' Motion for Garnishment Judgment (Doc. 17).

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The Court now rules on the Motion.

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I. BACKGROUND

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23 On January 29, 2009, Judgment was entered against Defendants Sonora Claremont,
24 Inc. and Roberto Flores ("Judgment Debtors"), in favor of Plaintiffs Essex Music, Inc.,
25 Sony/ATV Harmony, Panther Music Corp., WB Music Corp., and Chappell & Co., Inc.
26 ("Judgment Creditors"), in the amount of \$15,000 in statutory damages, \$2,997.50 in
27 attorneys' fees, and post-judgment interest as provided by law "from the date of entry of
28 judgment until the date the judgment is paid in full." (Doc. 1).

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1 On February 14, 2012, Judgment Creditors requested a writ of garnishment against  
2 Garnishee American Express Travel Related Services, Inc. (“AmEx”) (Doc. 17). In its  
3 Answer, AmEx indicated that, at the time the writ was served, it was in possession of  
4 \$251.99 in monies of Judgment Debtors. (Doc. 17-1 at ¶ IV). Copies of the Writ and  
5 Summons, underlying Judgment, Notice to Judgment Debtors, Requests for Hearing, and  
6 AmEx’s Answer were attached to the Judgment Creditors’ Motion for Garnishment and  
7 mailed to Judgment Debtors on February 14, 2012 (Doc. 17 at 2).

## 8 II. LEGAL STANDARD

9 Process to enforce a judgment for the payment of money is a writ of execution, unless  
10 the court directs otherwise. FED. R. CIV. P. 69(a)(1). Generally, a federal writ of execution  
11 “must accord with the procedure of the state where the court is located.” *Id.* Arizona’s  
12 statutory scheme regarding garnishment of monies or property is located at Arizona Revised  
13 Statutes (“A.R.S.”) sections 1570-1597.

14 “A party who has an objection to the writ of garnishment, the answer of the garnishee  
15 or the amount held by the garnishee or a party claiming an exemption for garnishment may,  
16 not later than ten days after the receipt of the answer, file a written objection and request for  
17 hearing.” ARIZ. REV. STAT. ANN. § 12-1580(A) (2011). “[I]f the answer shows that the  
18 garnishee was indebted to the judgment debtor at the time of service of the writ, and no  
19 objection to the writ or answer is timely filed, on application by the judgment creditor the  
20 court shall enter judgment on the writ against garnishee for the amount of the nonexempt  
21 monies of the judgment debtor owed or held by the garnishee at the time of the service of the  
22 writ.” *Id.* at § 12-1584(A). Under Arizona’s garnishment statute, a presumption exists “that  
23 a document has been received five days after it is mailed.” *Id.* at § 12-597(A).

## 24 III. ANALYSIS

25 Judgment Creditors have properly complied with Arizona’s garnishment statutes  
26 regarding the Writ of Garnishment of nonearnings. Judgment Debtors presumptively  
27 received notice of the Writ of Garnishment and the Motion for Garnishment Judgment.  
28 Judgment Debtors have not filed an objection to the writ or garnishment or the Motion for

1 Garnishment Judgment. AmEx has not requested a reimbursement fee for its costs incurred  
2 in preparing its answer.

3 **IV. CONCLUSION**

4 Based on the foregoing,

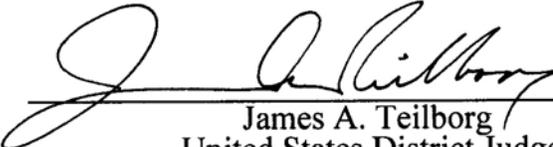
5 **IT IS ORDERED** that Judgment Creditor's Motion to Expedite Entry of Judgment  
6 (Doc. 26) is granted.

7 **IT IS FURTHER ORDERED** that Judgment Creditors' Motion for Garnishment  
8 Judgment (Doc. 17) is granted.

9 Judgment Creditors Essex Music, Inc, Sony/ATV Harmony, Panther Music Corp.,  
10 WB Music Corp., and Chappell & Co., Inc. shall have judgment against Garnishee American  
11 Express Travel Related Services, Inc. from the amount disclosed in American Express Travel  
12 Related Services, Inc.'s Answer in Garnishment as to Judgment Debtors Sonora Claremont,  
13 Inc. and Roberto Flores in the amount of \$251.99.

14 American Express Travel Related Services, Inc. shall remit the sum of \$251.99 to  
15 Judgment Creditors through their attorney, Peter J. Rathwell, Snell & Wilmer L.L.P., One  
16 Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004-2202.

17 DATED this 10th day of April, 2012.

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22 James A. Teilborg  
23 United States District Judge  
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