

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

FALCON STEEL, INC.

PLAINTIFF

v.

Civil No. 09-2007

J. RUSSELL FLOWERS, INC.;
US TECHNOLOGY MARINE SERVICES, LLC;
and JP MORGAN CHASE BANK, N.A.

DEFENDANTS

and

ROGERS INDUSTRIAL SUPPLY CORP.

INTERVENOR

v.

US TECHNOLOGY MARINE PROPERTY, LLC;
US TECHNOLOGY, INC.; RAYMOND F.
WILLIAMS TRUST d/b/a US TECHNOLOGIES;
and RAYMOND F. WILLIAMS, Individually

ADDITIONAL DEFENDANTS

O R D E R

Now on this 6th day of June, 2011, comes on for consideration Falcon Steel, Inc.'s **Motion To Quash In Part Writ Of Execution** (document #219), and Rogers Industrial Supply Corp.'s **Response To Motion To Quash In Part Writ Of Execution** (document #221), and the Court, being well and sufficiently advised, finds and orders as follows:

1. On November 17, 2009, Rogers Industrial Supply Corp. ("Rogers Industrial") obtained a judgment against US Technology Marine Services, LLC ("USTM") in the sum of \$103,043.14, plus prejudgment interest at the rate of 6% per annum from December 17, 2008, until the date of judgment, and post-judgment interest at .33% per annum until paid. When the Judgment was not timely

satisfied, Rogers Industrial applied for and obtained a Writ Of Execution covering the list of items attached to this Order.

2. Falcon Steel, Inc. ("Falcon Steel"), also a judgment creditor in this matter, and holding a lien, moved to quash the Writ Of Execution as to all items on the list except the Red 40' Yard Trailer, Loading Dock, Work Platforms/Ladders, Barge Transfer Rails, and Channel MC18@42.7-40. Falcon Steel contends that it purchased the remaining items on the list at a judicial sale in execution of its judgment lien.

3. In response, Rogers Industrial acknowledges Falcon Steel's superior right to the items claimed, and requests that the U.S. Marshal be directed to limit any execution on its behalf to the Red 40' Yard Trailer, Loading Dock, Work Platforms/Ladders, Barge Transfer Rails, and Channel MC18@42.7-40.

IT IS THEREFORE ORDERED that Falcon Steel, Inc's **Motion To Quash In Part Writ Of Execution** (document 219) is **granted**.

IT IS FURTHER ORDERED that in carrying out the Writ Of Execution (document #218), the U.S. Marshal shall limit any execution on behalf of Rogers Industrial Supply Corp. to the following items on the attached list:

- * Red 40' Yard Trailer
- * Loading Dock
- * Work Platforms/Ladders
- * Barge Transfer Rails

* Channel MC18@42.7-40

IT IS SO ORDERED.

/s/ Jimm Larry Hendren

JIMM LARRY HENDREN

UNITED STATES DISTRICT JUDGE

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

JUN 07 2011

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK

EXHIBIT A

Red 40' Yard Trailer

Loading Dock

Work Platforms/Ladders

Barge Transfer Rails

(17) Angle—5/8"x 3" x 5"- 40' rolled

(17) Angle—5/16" x 6" x 3-1/2" - 40'

(68) Angle—3/8" x 6" x 3-1/2" - 40'

(5) Angle—1/2" x 6" x 6" - 20'

(1) Channel - C6 @ 8.2# - 35'

(36) Channel - C6 @ 8.2# - 20'

(2) Channel - C6 @ 8.2# - 40'

(7) Channel - C9 @ 15# - 20'

(2) Channel - C12 @ 20.7# - 20'

(3) Channel - MC18 @ 42.7# - 40'

(3) Flat—3/8" x 10" - 20'

(4) Flat—1/2" x 11" - 20'

(35) Transverse Truss

(11) Stern Truss