

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

CARRICK TRUCKING, INC.
d/b/a OUTLANDER GRAVEL

PLAINTIFF

v.

Civil No. 09-2053

RODNEY T. NIETERT; SAMARITAN
HOLDINGS, INC.; OUTLANDER TREE
SERVICES, INC.; JERRY DON HATTABAUGH;
and JAMES STEVEN BLACK d/b/a JSB
GRAVEL

DEFENDANTS

TONEY'S DOZIER SERVICE

GARNISHEE

O R D E R

Now on this 5th day of January, 2011, comes on for consideration the following:

* Application For Writ Of Garnishment filed by plaintiff against Toney's Dozier Service (document #82);

* Writ Of Garnishment issued by the Clerk of Court to Toney's Dozier Service (document #83); and

* Answer to Writ Of Garnishment filed by Toney's Dozier Service (document #90),

and based on such documents, the Court, being well and sufficiently advised, finds and orders as follows:

1. On April 30, 2010, the Court entered Judgment in favor of plaintiff against Rodney T. Nietert; Samaritan Holdings, Inc.; Outlander Tree Services, Inc.; Jerry Don Hattabaugh; and James Steven Black d/b/a JSB Gravel, in the amount of \$115,885.00, with interest thereon at the rate of .44% per annum from the date of Judgment until paid.

The Court further entered Judgment that date against Rodney T.

Nietert individually in the amount of \$12,681.12, with interest thereon at the rate of .44% per annum from the date of Judgment until paid.

2. The defendants have failed to satisfy this Judgment.

3. Toney's Dozier Service filed a written response to the Writ Of Garnishment, stating that as of August 26, 2010, Rodney T. Nietert is employed by it and is paid on a weekly basis.

4. Plaintiff is entitled to an Order, pursuant to **A.C.A. § 16-110-415**, authorizing and directing Toney's Dozier Service to pay over to plaintiff all non-exempt wages Toney's Dozier Service is holding in response to the Writ Of Garnishment, and to continue paying over such non-exempt wages on a weekly basis, until the total amount due upon the Judgment is satisfied.

5. The lien on such earnings shall terminate sooner if the employment relationship is terminated, or if the Judgment is vacated.

IT IS THEREFORE ORDERED that Toney's Dozier Service pay over to Carrick Trucking, Inc. d/b/a Outlander Gravel all non-exempt wages it is holding for Rodney T. Nietert in response to the Writ Of Garnishment, and to continue paying over such non-exempt wages on a weekly basis, until the total amount due upon the Judgment is satisfied.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE