

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**FLORENCE CHU TUNG and RAYMOND
M. SIDNEY,**

Plaintiffs,

-vs-

Case No. 6:07-cv-1158-Orl-31DAB

VICTOR J. RAGUCCI,

Defendant.

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: MOTION TO ENFORCE PLAINTIFF'S WRIT OF
GARNISHMENT (Doc. No. 110)**

FILED: January 23, 2009

THEREON it is ORDERED that the motion is GRANTED in part.

The Court notes that Defendant has filed no opposition to the motion, nonetheless, as the Court does not yet know what is in the safe deposit box, it is premature to make a determination of ownership of whatever items are included in the box. Thus, the motion is granted, to the extent it seeks an Order authorizing Garnishee to open and inventory the box, and denied, to the extent it seeks a final finding that the contents are property of the judgment debtor.

Within thirty (30) days of the date of this Order, Garnishee, SunTrust Bank, shall, in the presence of Plaintiffs' counsel, drill open the safe deposit box number 3190 and reveal its contents to Plaintiffs' counsel. Garnishee shall perform a formal inventory of the safe deposit box in front of

Plaintiffs' counsel, file and serve a detailed inventory of the safe deposit with this Court, and retain the contents of the safe deposit box pending further order of this Court. Any costs or expenses associated with this process shall be borne by Plaintiff, subject to taxation at a later date. Plaintiffs' counsel shall notify Victor J. Ragucci, in writing of the agreed date for the inventory so Defendant may attend if he so desires. Although Defendant/Judgment Debtor, Victor J. Ragucci, may attend the inventory of the safe deposit box; he may not interfere with the Garnishee's inventory of the Box, and the contents in the safe deposit box shall not be released to anyone other than as provided for in this Order.

DONE and ORDERED in Orlando, Florida on February 10, 2009.

David A. Baker

DAVID A. BAKER
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties