

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SURETEC INSURANCE COMPANY,

Plaintiff,

v.

Case No: 6:15-cv-1061-Orl-28TBS

A&M SI CONSTRUCTION COMPANY,
LLC, COBRA, LLC, CASPIAN REAL
ESTATE HOLDINGS, LLC and
CHRISTINA ANN BUCHAN,

Defendants.

ORDER

This matter comes before the Court on Plaintiff Suretec Insurance Company's Motion for Writ of Garnishment (Doc. 32). On November 2, 2015, the Clerk entered judgment in favor of Plaintiff and against Defendants A&M SI Construction Company, LLC; Cobra, LLC; Caspian Real Estate Holdings, LLC; and Christina Ann Buchan, "jointly and severally, in the amount of \$303,415.20, for which sum let execution issue." (Doc. 31). Plaintiff now moves for a writ of garnishment against Sun Trust Bank, which Plaintiff alleges has possession of funds belonging to Defendants and The Law Offices of Christina Buchan, P.A. (Doc. 32-2).

When no federal statute is on point (and none is here), state law governs proceedings in aid of judgment or execution. FED. R. CIV. P. 69(a)(1). Judgment creditors are entitled to a writ of garnishment under Florida law. FLA. STAT. § 77.01. All that is necessary to obtain a writ of garnishment "[a]fter judgment has been obtained against defendant" is to "file a motion ... stating the amount of the judgment," FLA. STAT. § 77.03, which Plaintiff has done here with one exception. The Law Offices of Christina

Buchan, P.A. is not a defendant in this suit, and Plaintiff has not provided evidence of a judgment against this entity. Plaintiff's motion is therefore **DENIED** as to The Law Offices of Christina Buchan, P.A. In all other respects, the motion is **GRANTED**. Plaintiff is **DIRECTED** to file a proposed writ of garnishment omitting reference to The Law Offices of Christina Buchan, P.A., within seven (7) days.

DONE and **ORDERED** in Orlando, Florida on April 25, 2016.



THOMAS B. SMITH
United States Magistrate Judge

Copy furnished to Counsel for Plaintiff