

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CASE NO.: 8:09-cv-01742-JSM-TBM

WIERS FARM, INC.,

Plaintiff,

vs.

WAVERLY FARMS, INC., GUY WORTELMAN,  
KATHY WORTELMAN, and G. GENE THOMPSON,

Defendants.

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**DIVISIBLE FINAL JUDGMENT UNDER THE PERISHABLE  
AGRICULTURAL COMMODITIES ACT (7 U.S.C. §499e)**

The Court, after having reviewed a Notice of Resolution of Claims/Settlement, including the parties proposed Agreed Order and Divisible Final Judgment, hereby **ORDERS** that:

1. Wiers Farm, Inc. is a valid trust beneficiary of Waverly Farms, Inc. under Section 5(c) of the Perishable Agricultural Commodities Act of 1930, as amended (“PACA”), in the aggregate amount of \$228,327.81, inclusive of interest and attorneys’ fees as of the date of this Order.

2. Majestic Produce Sales Co. is a valid trust beneficiary of Waverly Farms, Inc. under Section 5(c) of PACA in the aggregate amount of \$28,061.85, inclusive of interest and attorneys’ fees as of the date of this Order.

3. Anthony Gangemi, Inc. is a valid trust beneficiary of Waverly Farms, Inc. under Section 5(c) of PACA in the aggregate amount of \$103,225.42, inclusive of interest and attorneys’ fees as of the date of this Order.

4. Any and all right, title, interest and claims Wiers Farm, Inc., Majestic Produce Sales Co. and Anthony Gangemi, Inc. hold under the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. §§499a-t (“PACA”) against Defendant, Waverly Farms, Inc. and all account debtor proceeds collected or to be collected and that are the subject matter of this litigation have been and are hereby authorized by this Court to be assigned to LSQ Funding Group, L.C. As it pertains to the aforementioned right, title, interest and claims, the Court has approved the substitution of LSQ Funding Group, L.C. for Wiers Farm, Inc., Majestic Produce Sales Co. and Anthony Gangemi, Inc.

5. The Assignments between Wiers Farm, Inc., Majestic Produce Sales Co. Anthony Gangemi, Inc., and LSQ Funding Group, L.C. do not include the rights and claims of Wiers Farm, Inc., Anthony Gangemi, Inc. and Majestic Produce Sales Co. that each hold in this lawsuit or under Florida law, PACA and Federal Common Law against Guy Wortelman, Kathy Wortelman, or G. Gene Thompson. As a result, LSQ Funding Group, L.C. cannot pursue Guy Wortelman, Kathy Wortelman, or G. Gene Thompson under any rights it has received via the Assignments.

6. The Clerk is directed to enter Divisible Final Judgment in favor of LSQ Funding Group, L.C., as an assignee of Wiers Farm, Inc., and against Defendant, Waverly Farms, Inc., only, in the aggregate amount of \$228,327.81, inclusive of interest and attorneys’ fees as of January 13, 2011.

7. The Clerk is directed to enter Divisible Final Judgment in favor of LSQ Funding Group, L.C., as an assignee of Majestic Produce Sales Co., and against Defendant, Waverly Farms, Inc., only, in the aggregate amount of \$28,061.85, inclusive of interest and attorneys’ fees as of January 13, 2011.

8. The Clerk is directed to enter Divisible Final Judgment in favor of LSQ Funding Group, L.C., as an assignee of Anthony Gangemi, Inc., and against Defendant, Waverly Farms,

Inc., only, in the aggregate amount of \$103,225.42, inclusive of interest and attorneys' fees as of January 13, 2011.

9. Post-judgment interest shall accrue on the above Judgments at the current post-judgment rate per annum pursuant to 28 U.S.C. §1961 from the date of the entry of the Judgments until paid in full.

10. The PACA Trust Beneficiaries' claims against Waverly Farms, Inc. are hereby found to be non-dischargeable in any subsequent bankruptcy filing.

11. The claims of the PACA Trust Beneficiaries against Defendants, Guy Wortelman and Kathy Wortelman are dismissed, without prejudice, and upon Guy Wortelman and Kathy Wortelman completing certain conditions precedent, the claims of the PACA Trust Beneficiaries against them shall be dismissed with prejudice. Nothing contained herein shall adversely affect any other claims asserted by LSQ Funding Group, L.C. against any other party to this case.

12. In accordance with Fla. Stat. § 55.01, the address and social security number, if known to Plaintiff, the Defendant against whom this Divisible Final Judgment is rendered is as follows:

Waverly Farms, Inc.  
129 Oak Ridge Lane  
Winchester, Virginia 22602

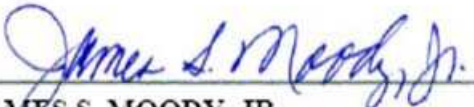
13. In accordance with Fla. Stat. § 55.10, the address of the Plaintiff who has a lien as a result of this Divisible Final Judgment is:

LSQ Funding Group, L.C.  
1405 West Colonial Drive, Suite B  
Orlando, Florida 32804

14. This Court shall retain post-judgment jurisdiction for a period of one (1) year over this cause and over the parties for the purposes of entering all further post-judgment orders that

are just and proper, including without limitation, the assessment of further costs and attorneys' fees against Waverly Farms, Inc.

DONE and ORDERED in Tampa, Florida on March 29, 2011.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record