

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

KEARNEY CONSTRUCTION
COMPANY, LLC,

Plaintiff,

v.

Case No: 8:09-cv-1850-T-30TBM

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA,
FLORIDA SOIL CEMENT, LLC,
FLORIDA TRUCKING CO., INC.,
ALAN PAYNE, BRIAN W. SEEGER,
ISLEWORTH GOLF & COUNTRY
CLUB, INC. and OLD MEMORIAL
CLUB, INC.,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas B. McCoun III (Dkt. #828), the Objection filed by FTBB, LLC (Dkt. #829), and FTBB, LLC's Request for Oral Argument (Dkt. #830). The Court has carefully reviewed the Report and Recommendation, FTBB, LLC's Objection, and the record, and concludes that oral argument is unnecessary. After careful consideration of the Magistrate Judge's Report and Recommendation and FTBB, LLC's Objection to same, in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation (Dkt. #828) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

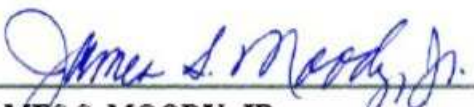
2. Judgment is entered in favor of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA and against FTBB, LLC as to Count II of the Amended Complaint in Execution of Judgment against FTBB, LLC (Dkt. #591).

3. The purported assignment of Regions' priority lien position to the USAmeriBank garnished funds to FTBB, LLC is hereby VOIDED.

4. FTBB, LLC is prohibited from asserting a priority lien position to the USAmeriBank garnished funds in any pending collection action, including this case and the Regions case (case number 8:09-cv-1841-T-17MAP).

5. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, as against FTBB, LLC, is GRANTED a superior lien position to the USAmeriBank funds.

DONE and **ORDERED** in Tampa, Florida, this 9th day of March, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record