

**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,
et al.,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas B. McCoun, III (Dkt. 865), FTBB, LLC's Objections (Dkt. 869), Travelers Casualty & Surety Company of America's Response in Opposition to FTBB, LLC's Objections (Dkt. 870), and Defendant Bing Charles W. Kearney's Objections (Dkt. 871).

After careful consideration of the Report and Recommendation of the Magistrate Judge, the Response, and Objections, and 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** that:

1. The Report and Recommendation (Dkt. 865) 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. FTBB, LLC's Second Motion for Summary Judgment on Travelers' Second Writ of Garnishment of Bing Kearney's US AmeriBank IRA Account (Dkt. 805) is DENIED.
3. Bing Charles W. Kearney's Motion for Summary Judgment Finding IRA Funds Maintained in US AmeriBank Account Ending -1122 Exempt from Garnishment Pursuant to § 222.21, Florida Statutes (Dkt. 811) is DENIED.
4. Travelers' Motion for Final Summary Judgment in Garnishment as to the IRA Account (Dkt. 815) is GRANTED in part and DENIED in part as described in the Report and Recommendation (Dkt. 865).
5. The subject USAmeriBank Account Ending in -1122 is not exempt from garnishment pursuant to Florida Statute § 222.21(2)(a).

DONE and **ORDERED** in Tampa, Florida on September 21, 2017.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished to:
Counsel/Parties of Record