

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GOTTLIEB & GOTTLIEB, P.A.,

Plaintiff,

v.

Case No. 8:14-cv-895-T-33MAP

DOCTOR R. CRANTS,

Defendant.

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ORDER

This matter comes before the Court in consideration of Plaintiff Gottlieb & Gottlieb, P.A.'s Unopposed Motion for Order Requiring Defendant to Complete a Form 1.977(a), Fla. R. Civ. P., Fact Information Sheet. (Doc. # 85). The Court grants the Motion.

The Court notes that Defendant Doctor R. Crants filed a notice of appeal on February 11, 2016. (Doc. # 83). The general rule is that "[t]he filing of an appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." Green Leaf Nursery v. E.I. DuPont de Nemours & Co., 341 F.3d 1292, 1309 (11th Cir. 2003) (internal citations omitted). However, "[t]he district court retains . . . the authority to act . .

. to aid in the execution of a judgment that has not been superseded." Showtime/The Movie Channel, Inc. v. Covered Bridge Condo. Ass'n, 895 F.2d 711, 713 (11th Cir. 1990). The judgment in this case has not been superseded.

Furthermore, Federal Rule of Civil Procedure 69 prescribes that the "procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located" Fed. R. Civ. P. 69(a)(1). Rule 69 also allows a judgment creditor to "obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located." Fed. R. Civ. P. 69(a)(2). Florida Rule of Civil Procedure 1.560(b), in turn, states that a court shall, upon the request of the judgment creditor, order a judgment debtor to complete Form 1.977, including all required attachments, within 45 days or such other reasonable time as determined by the court.

Therefore, the Court grants Plaintiff's Motion. Defendant shall complete the Form 1.977 Fact Information Sheet, including any attachments, and serve Plaintiff with the same by May 16, 2016.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Plaintiff's Unopposed Motion for Order Requiring Defendant to Complete a Form 1.977(a), Fla. R. Civ. P., Fact Information Sheet (Doc. # 85) is **GRANTED**.
- (2) Defendant shall complete the Form 1.977 Fact Information Sheet, including any attachments, and serve Plaintiff with the same by May 16, 2016.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 16th day of March, 2016.

