

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

BRANCH BANKING AND TRUST  
COMPANY, a North Carolina banking  
corporation, as successor-in-interest to  
Colonial Bank by asset acquisition  
from the FDIC as Receiver for Colonial  
Bank, successor by merger to Citrus and  
Chemical Bank,

Plaintiff,

v.

Case No. 8:15-CV-1462-T-30EAJ

CRYSTAL CENTRE, LLC, a Florida limited  
liability company, OSWALD P. CARREROU,  
individually, and BANK OF AMERICA, N.A.,

Defendants.

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**ORDER**

THIS CAUSE comes before the Court upon Leah and Oswald Carrerou's Preliminary Motion to Stay (Dkt. 309) and Garnishee Pershing LLC's Motion for Additional Instructions Pertaining to the Order Dated September 1, 2017 (Dkt. 310). Upon review of these motions, the Court grants the request for a preliminary stay and defers ruling on Garnishee Pershing LLC's request for additional instructions.

On September 1, 2017, the Court entered an Order adopting the Magistrate Judge's Report and Recommendation and entering a Judgment in Garnishment against Garnishee Pershing, LLC in the amounts of \$11,877.04 and \$174,919.91 (Dkt. 300). The Order further

directed Garnishee Pershing, LLC to pay these amounts to Plaintiff, via wire transfer, within five business days of the Order (Dkt. 300).

Now, Leah and Oswald Carrerou seek a preliminary stay of the Court's September 1, 2017 Order so that they can file motions related to the Order, which have been delayed because of Hurricane Irma. They do not specify the basis for these motions but vaguely reference that they intend to file a motion to amend the findings or to amend the judgment due to "issues related to the prepayment penalties and taxes." (Dkt. 309).

Garnishee Pershing LLC has also filed a motion related to the Court's September 1, 2017 Order, which requests "additional instructions" related to the liquidation of the accounts, specifically, whether applicable taxes should be withheld upon any liquidation. Garnishee Pershing LLC attaches a proposed order to its motion and states that, due to Hurricane Irma, it has been unable to confer with the parties to determine whether they oppose the motion.

The Court is mindful that Hurricane Irma has made it extremely difficult for counsel to communicate on these issues. The Court concludes that the best course is to grant a preliminary stay of the Court's September 1, 2017 Order until the parties have had sufficient time to confer on these pending issues and file the appropriate motion regarding same.

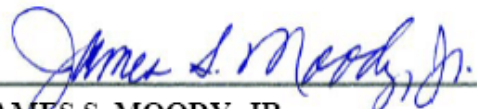
It is therefore **ORDERED AND ADJUDGED** that:

1. Leah and Oswald Carrerou's Preliminary Motion to Stay (Dkt. 309) is granted to the extent that they shall have fourteen (14) days from the date of this Order to file any motion related to the Court's September 1, 2017 Order. The Court underscores that multiple

motions for relief are disfavored. Further, counsel shall confer in good faith on any pending issues in an attempt to resolve the issues *prior* to filing a motion with the Court. A statement that counsel was unable to confer prior to filing a motion is insufficient and will result in a denial of the motion. The stay of the Court's September 1, 2017 Order shall remain in place until the Court resolves the pending issues related to the Judgment in Garnishment against Garnishee Pershing, LLC, which includes any issues related to the withholding of taxes.

2. The Court defers ruling on Garnishee Pershing LLC's Motion for Additional Instructions Pertaining to the Order Dated September 1, 2017 (Dkt. 310) until all interested parties have had an opportunity to file a response, which is due on September 25, 2017. If the Court does not receive a response by that time, it will assume that there is no opposition to Garnishee Pershing LLC's proposed order.

**DONE and ORDERED** in Tampa, Florida on September 15, 2017.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

Copies furnished to:  
Counsel/Parties of Record