

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

**BRANCH BANKING AND TRUST
COMPANY,**

Plaintiff,

v.

Case No.: 8:15-cv-1462-T-30AAS

CRYSTAL CENTRE, LLC, et al.,

Defendants,

and

TD AMERITRADE, INC.,

Garnishee.

_____ /

ORDER

This matter comes before the court sua sponte concerning Garnishee TD Ameritrade's pending motion for attorney's fees. (Doc. 306). TD Ameritrade moved for attorney's fees under Florida Statute 77.28, Federal Rule of Civil Procedure 54, and Local Rule 4.18. (Doc. 306). In its motion, TD Ameritrade argues it would be entitled to an award of its costs and attorney's fees should the court "issue any final judgment pertaining to the writ." (*Id.* at 3). Following the Court's Order concerning the writ of garnishment against TD Ameritrade, the writ has been dissolved. (Doc. 364). Thus final judgment will not be entered on the writ.

The court then directed TD Ameritrade to advise the court on what, if anything, remains for the court to adjudicate with respect to TD Ameritrade's motion. (Doc. 365). TD Ameritrade had until March 5, 2018, to provide the requested update. (*Id.*). The court advised TD Ameritrade

that failure to adhere to the March 5th deadline would result in the court denying TD Ameritrade's attorney's fees motion as moot. (Doc. 365). The March 5th deadline passed, and TD Ameritrade has not filed an update with the court.

Accordingly, it is **ORDERED** that TD Ameritrade's Renewed Motion for Attorney's Fees (Doc. 306) is **DENIED as MOOT**.

ORDERED in Tampa, Florida on this 6th day of March, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge