

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KEITH A. THOMPSON, SR.,

Plaintiff,

v.

Case No: 8:15-cv-2905-T-27JSS

HEALTHY HOME ENVIRONMENTAL,
LLC and MICHAEL W. HUDSON,

Defendants.

ORDER ON PLAINTIFF'S MOTION FOR WRIT OF GARNISHMENT

THIS MATTER is before the Court on Plaintiff's Motion for Writ of Garnishment ("Motion"). (Dkt. 27.) Upon consideration, the Motion is granted for the reasons stated below.

BACKGROUND

On August 23, 2016, Plaintiff obtained a final judgment against Defendants in the amount of \$1,311.50 in damages, \$4,070.00 in attorneys' fees, and \$510.00 in costs. (Dkts. 21, 22.) Defendants have not satisfied the final judgment. (Dkt. 27.) Plaintiff now moves to have a writ of garnishment issued to Bank of America. Plaintiff believes that Bank of America possesses goods, monies, chattels, or effects belonging to Defendants sufficient to satisfy the judgment in whole or in part. (Dkt. 27 ¶ 4.)

APPLICABLE STANDARDS

A party may enforce a money judgment by a writ of execution. Fed. R. Civ. P. 69(a)(1). The procedure must accord with the procedure of the state where the court is located. *Id.* In Florida, a person who has recovered a judgment in any court against any entity has a right to a writ of garnishment. § 77.01, Fla. Stat. After judgment has been obtained against a defendant, but before the writ of garnishment is issued, the plaintiff shall file a motion stating the amount of the

judgment. § 77.03, Fla. Stat. The writ shall state the amount named in the plaintiff's motion and require the garnishee to serve an answer on the plaintiff within twenty days after service of the writ. § 77.04, Fla. Stat. Postjudgment writs of garnishment may be issued *ex parte* and without notice to the judgment debtor. *See United Presidential Life Ins. Co. v. King*, 361 So. 2d 710, 713 (Fla. 1978); *Commc'ns Ctr., Inc. v. Komatsu*, No. 6:05-CV-1254-ORL-31GJK, 2008 WL 2717669, at *1 (M.D. Fla. June 27, 2008).

ANALYSIS

As Plaintiff has recovered a judgment in this Court against Defendants, Plaintiff has a right to a writ of garnishment. *See* § 77.01, Fla. Stat. The Motion states the amount of the judgment, \$5,891.50, including fees and costs. Plaintiff attached a proposed writ as an exhibit to the Motion. (Dkt. 27-1.) The proposed writ states the amount in the Motion and directs Bank of America to respond within twenty days. Accordingly, it is

ORDERED:

1. Plaintiff's Motion for Writ of Garnishment (Dkt. 27) is **GRANTED**.
2. The Clerk of Court shall issue a writ of garnishment to Bank of America, 6160 14th Street W., Bradenton, Florida 34207. The Clerk of Court shall use the proposed writ attached to Plaintiff's Motion (Dkt. 27-1). The writ of garnishment shall include copies of Plaintiff's Motion for Writ of Garnishment (Dkt. 27), the Court's order finding Plaintiff entitled to a final judgment (Dkt. 21), and the Final Judgment (Dkt. 22).

DONE and **ORDERED** in Tampa, Florida, on April 24, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Parties