

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

QUINCY BIOSCIENCE, LLC,

Plaintiff,

v.

Case No: 8:17-cv-984-T-27JSS

ANDREW STEIN,

Defendant.

/

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Order Directing Defendant to Complete Fact Information Sheet ("Motion"). (Dkt. 26.) On December 8, 2017, default judgment was entered in Plaintiff's favor against Defendant in the amount of \$100,000 in statutory damages. (Dkt. 24.) In the Motion, Plaintiff seeks an order requiring Defendant to complete a Florida Rule of Civil Procedure Form 1.977 Fact Information Sheet ("Sheet") (Dkt. 26-1), which is a post-judgment discovery method available under Florida law. For the reasons that follow, the Motion is granted.

Under Federal Rule of Civil Procedure 69, "[i]n aid of the judgment or execution, the judgment creditor . . . may 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); *In re Clerici*, 481 F.3d 1324, 1336 (11th Cir. 2007) ("Rule 69(a) itself does not prescribe a practice and procedure for gathering evidence, but gives the judgment creditor the choice of federal or state discovery rules."). Under Florida Rule of Civil Procedure 1.560(b), upon a judgment creditor's request, the Court "shall order the judgment debtor . . . to complete form

1.977, including all required attachments, within 45 days of the order” and the judgment debtor’s “[f]ailure to obey the order may be considered contempt of court.” Fla. R. Civ. P. 1.560(b).

Pursuant to Florida Rule 1.560(b), Plaintiff is entitled to the relief it requests in the Motion. See *PNC Bank, N.A. v. Starlight Properties & Holdings, LLC*, No. 6:13-CV-408-ORL, 2014 WL 2574040, at *2 (M.D. Fla. June 9, 2014) (entering default judgment and requiring the judgment debtors to complete Form 1.977); *PNC Bank, N.A. v. Kimbrough & Associates, LLC*, No. 6:13-CV-1558ORL28KRS, 2015 WL 327533, at *13 (M.D. Fla. Jan. 23, 2015) (same); *Am. Home Assur. Co. v. Weaver Aggregate Transp., Inc.*, 298 F.R.D. 692, 693 (M.D. Fla. 2014) (granting judgment creditor’s motion to require judgment debtors to complete Form 1.977). Accordingly, it is

ORDERED:

1. Plaintiff’s Motion for Order Directing Defendant to Complete Fact Information Sheet (Dkt. 26) is **GRANTED**.

2. Defendant is directed to complete the Sheet (Dkt. 26-1), and mail it and all required attachments to Plaintiff’s counsel, as instructed on page four of the Sheet, within forty-five (45) days of entry of this Order.

3. The Clerk is directed to mail copies of the Motion (Dkt. 26), the Sheet (Dkt. 26-1), and this Order to Defendant at the address below.

DONE and **ORDERED** in Tampa, Florida, on February 27, 2018.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
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