

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

**SECURIAN FINANCIAL GROUP, INC.,
SECURIAN FINANCIAL SERVICES,
INC., and MINNESOTA LIFE
INSURANCE COMPANY,**

Plaintiffs,

v.

Case No.: 8:18-mc-43-T-30AAS

**ROGER L. FISHEL, JR., and
WEALTHSPAN FINANCIAL GROUP,
LLC,**

Defendants,

**MUTUAL OF OMAHA INVESTOR
SERVICES, INC.,**

Garnishee.

ORDER

Securian Financial Group, Inc., Securian Financial Services, Inc., and Minnesota Life Insurance Company (collectively, “Securian”) move for a continuing writ of garnishment against salary or wages directed to Mutual of Omaha Investor Services, Inc. d/b/a Mutual of Omaha Advisors – Northern Florida (“Garnishee”). (Doc. 2).

Rule 69 of the Federal Rules of Civil Procedure provides that a money judgment is enforced by a writ of garnishment. Fed. R. Civ. P. 69(a)(1). “The procedure on execution . . . must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” *Id.* Florida

law provides a right to a writ of garnishment to judgment creditors to help satisfy a money judgment. Fla. Stat. § 77.01. To obtain a writ of garnishment, the judgment creditor must file a motion stating the amount of the judgment. Fla. Stat. § 77.03. The writ must direct the garnishee to answer the writ within twenty days and state the amount named in the judgment creditor's motion. Fla. Stat. § 77.04.

Securian obtained a default judgment against Roger L. Fishel Jr. and Wealthspan Financial Group, LLC, on February 17, 2017, for the sum of \$366,509.17 with interest at the rate of 6% per annum from December 21, 2015, until the date of the default judgment, plus attorney's fees in the amount of \$13,730.23. (Doc. 1, p. 2). According to the motion, the balance due is \$405,784.59, plus accruing post-judgment interest. (Doc. 2, p. 2). Securian previously sought recovery of that amount from Mr. Fishel, but now seek recovery from his employer, Garnishee, with its physical office at 8875 Hidden River Parkway, Suite 160, Tampa, Florida 33637.

Accordingly, and upon consideration, it is **ORDERED**:

- (1) Securian's Motion for Continuing Writ of Garnishment Against Salary or Wages (Doc. 2) is **GRANTED**.
- (2) The Clerk of Court shall issue a writ of garnishment to the named Garnishee using the form attached to Securian's motion. (Doc. 2-1). The writ shall include copies of the following:
 - a. The instant motion and order, and
 - b. Securian's Registration of Foreign Judgment (Doc. 1).

ORDERED in Tampa, Florida on this 31st day of July, 2018.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge