

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MATTHEW E. ORSO,

Plaintiff,

v.

Case No: 8:21-mc-116-SDM-JSS

ROGER NUTTBROCK,

Defendant.

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ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Appointment of Process Server ("Motion"). (Dkt. 8.) Plaintiff moves the Court pursuant to Federal Rule of Civil Procedure 4.1 to specially appoint ABC Legal, who is otherwise legally permitted to effectuate service of process under applicable law, to serve the court-ordered writs in this matter upon the garnishees.

Federal law governs who may serve a writ of garnishment. *See* Fed. R. Civ. P. 69(a)(1) ("The procedure . . . in proceedings supplementary to and in aid of judgment . . . must accord with the procedure of the state where the court is located but a federal statute governs to the extent it applies."). The Federal Rules of Civil Procedure have the "force and effect" of a federal statute. *See Sibbach v. Wilson & Co.*, 312 U.S. 1, 13 (1941). In turn, the Federal Rules of Civil Procedure permit the appointment of a special process server to deliver a writ of garnishment like the writs at issue here. *See* Fed. R. Civ. P. 4.1 ("Process—other than a summons under Rule 4

or a subpoena under Rule 45—must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose.”); *see also Sumner v. Garner*, No. 6:18-cv-40-ORL-28GJK, 2019 WL 6716193, at *1 (M.D. Fla. Dec. 9, 2019) (appointing special process server to serve writ of garnishment); *Francois v. Washmonbo, Inc.*, No. 05-23368-civ, 2008 WL 2694752, at *2 (S.D. Fla. July 8, 2008) (same).

Accordingly, it is **ORDERED**:

1. Plaintiff’s Motion for Appointment of Process Server (Dkt. 8) is **GRANTED**.
2. The Court hereby appoints and authorizes any employee or agent of ABC Legal, who is otherwise legally permitted to effectuate service of process under applicable law, to serve the writs of garnishment on the garnishees in this matter.

DONE and **ORDERED** in Tampa, Florida, on November 18, 2021.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record