

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

4 DAKOTA VENTURES, LLC,

Plaintiff,

v.

CASE NO. 3:15cv51-MCR-EMT

SEGER COMMERCIAL
PROPERTIES, LLC, et al.,

Defendants.

ORDER

The chief magistrate judge issued a Report and Recommendation on July 20, 2020. ECF No. 95. The parties were furnished a copy of the Report and Recommendation and afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of all timely filed objections.

Having considered the Report and Recommendation, and any timely filed objections thereto, I have determined the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The chief magistrate judge's Report and Recommendation, ECF No. 95, is adopted and incorporated by reference in this Order.

2. Plaintiff's Motion to Commence Proceedings Supplementary to Execution and Implead Third Parties, ECF No. 94, is **GRANTED to the extent** Plaintiff seeks to commence proceedings supplementary to execution and implead Third Parties, as follows:

a. Third Parties Bridgette Carnley; Richard H. Powell; Trifecta Consulting, LLC; Crabisland.com, LLC; ALS Assets, LLC; L.C.S. General Holdings, LLC; and Prime'd in Destin, LLC, are impleaded as Defendants in this action for the purpose of supplementary, post-judgment proceedings in aid of execution.

b. Plaintiff 4 Dakota Ventures, LLC, will have **fourteen days** from the date of this order in which to file a Supplemental (Interpleader) Complaint.

c. Plaintiff 4 Dakota Ventures, LLC, must serve on Bridgette Carnley; Richard H. Powell; Trifecta Consulting, LLC; Crabisland.com, LLC; ALS

Assets, LLC; L.C.S. General Holdings, LLC; and Prime'd in Destin, LLC—by formal service of process and in accordance with Fed. R. Civ. P. 4—a copy of Plaintiff's Amended Motion to Commence Proceedings Supplementary to Execution and to Implead Third Parties, ECF No. 94, a copy of the Report and Recommendation, ECF No. 95, a copy of the District Court's Order adopting the Report and Recommendation, and the Supplemental (Interpleader) Complaint.

d. Plaintiff 4 Dakota Ventures, LLC, must file proof of such service on each Defendant within **seven days** of effecting service on that Defendant.

e. All properly served, impleaded Defendants must respond to the Supplemental (Interpleader) Complaint within **sixty days** of the date of service.

2. Plaintiff's Motion to Commence Proceedings Supplementary to Execution and to Implead Third Parties, ECF No. 94, is **DENIED without prejudice** to the extent Plaintiff requests that this court assign to it rights and interests in Case No. 2018 CA 2080 F, a lawsuit pending in Okaloosa County, Florida. Any renewed motion seeking this relief must include a memorandum in support and must address the court's concerns set forth in the Report and

Recommendation, *see* ECF No. 95 at 7–9 & 8 n.3. Failure to do so will result in summary denial of the motion.

DONE AND ORDERED this 24th day of August 2020.

s/ M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE