

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 21-cv-23013-GAYLES/TORRES

**SYNOVUS BANK, d/b/a FLORIDA
COMMUNITY BANK, N.A.,**

Plaintiff,

v.

**LCH TRADING, INC., LCH ENGINE
REPAIR, INC., and FRANCISCO
CHIRINO,**

Defendants,

and

TD BANK, N.A.

Garnishee.

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FINAL JUDGMENT IN GARNISHMENT

THIS CAUSE comes before the Court on Plaintiff/Judgment Creditor Synovus Bank’s Motion for Entry of Final Judgment in Garnishment Against Garnishee TD Bank, N.A. (the “Motion”). [ECF No. 26]. The Motion was referred to Chief Magistrate Judge Edwin Torres, pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 29]. On August 24, 2023, Judge Torres issued his report recommending that the Motion be granted (the “Report”). [ECF No. 41]. No objections have been filed.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific

objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

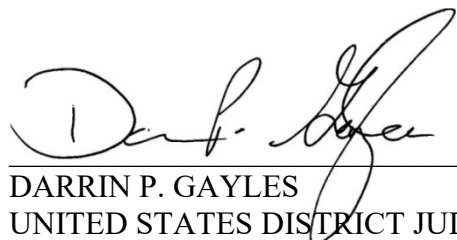
In his Report, Judge Torres recommends that the Motion be granted and that a final judgment of garnishment be entered. The Court finds no clear error with Judge Torres's recommendation and agrees that the Motion should be granted.

CONCLUSION

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge Torres's Report and Recommendation, [ECF No. 41], is **ADOPTED in full**;
- (2) Plaintiff/Judgment Creditor Synovus Bank's Motion for Entry of Final Judgment in Garnishment [ECF No. 26], is **GRANTED**;
- (3) A Judgment of Garnishment is entered on the account ending in -4372, held in the name of "LCH Trading Inc." Plaintiff shall recover from Garnishee TD Bank, N.A. the funds in TD Bank, N.A.'s possession in the amount of \$446,794.74, with a check made payable to Synovus Bank.
- (4) TD Bank, N.A. shall mail the payment to Plaintiff's counsel, Buchanan Ingersol & Rooney PC, Attn: Mark S. Auerbacher, Esq., Two South Biscayne Blvd, Suite 1500, Miami, Florida 33131. Upon making such payment, TD Bank, N.A. shall be discharged of all liability to Plaintiff and Defendants.

DONE AND ORDERED in Chambers at Miami, Florida, this 1st day of September, 2023.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE