

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-81294-CIV-COHN-SELTZER

MARSEILLES CAPITAL, LLC,

Plaintiff,

v.

GEROVA FINANCIAL GROUP, LTD.,
a Cayman Islands corporation,Defendant.

ORDER GRANTING MOTION FOR ATTORNEY'S FEES

THIS CAUSE is before the Court on Garnishee Bank of America, N.A.'s ("Bank of America's") Motion for Attorney's Fees [DE's 56, 61]. The Court has considered the motion, Plaintiff Marseilles Capital, LLC's Response [DE 69], and the record in this case, and is otherwise advised in the premises.

On May 12, 2011, the Court granted Plaintiff's Motion for Final Summary Judgment [DE 48] and entered Final Judgment in favor of Plaintiff [DE 49]. On May 27, 2011, Plaintiff filed a Motion to Issue Writ of Garnishment [DE 50] and Writ of Garnishment against Bank of America [DE 51].

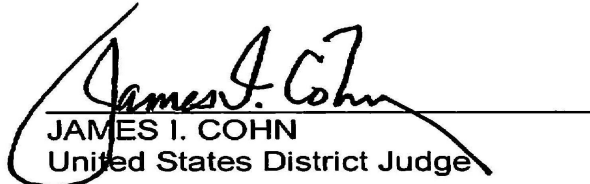
On June 2, 201, Bank of America filed its Answer to Writ of Garnishment [DE 56]. In the Answer, Bank of America demanded "the statutory partial deposit from the Clerk of the court payable to Haley & Associates, P.A., as compensation to be applied toward Garnishee's reasonable attorneys' fee." DE 56 at 2. The same day, the Clerk of Court converted the demand into a Motion for Attorney's Fees [DE 61]. Plaintiff's Response to the motion represents that Plaintiff "has no objection to Bank of America

recovering the \$100 deposit as compensation for its attorneys' fee." DE 69 at 2.

Pursuant to Florida Statutes § 77.28, the \$100 Plaintiff deposited in the registry of the Court "shall be paid to the garnishee on the garnishee's demand at any time after the service of the writ for the payment or part payment of his or her attorney's fee which the garnishee expends . . . in obtaining representation in response to the writ." Fla. Stat. § 77.28. Consequently, Bank of America is entitled to payment of the \$100 deposited with the registry of the Court. Accordingly, it is hereby

ORDERED AND ADJUDGED that Garnishee Bank of America, N.A.'s ("Bank of America's") Motion for Attorney's Fees [DE's 56, 61] is **GRANTED**. The Clerk of Court is hereby **DIRECTED** to disburse \$100 from the registry of the Court to Garnishee Bank of America, N.A., payable to Haley & Associates, P.A.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 24th day of June, 2011.


JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF