

RECEIVED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OCT 10 2017

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

TRIMAINE WILSON,)
)
Judgment Creditor,)
v.)
)
OSHAY RIFE,)
)
Judgment Debtor,)
and)
)
CITY OF HARVEY, ILLINOIS,)
)
Employer.)

Case No. 13 C 7845

Judge Manish S. Shah

RETURN DATE
November 9, 2017

AFFIDAVIT FOR WAGE DEDUCTION SUMMONS

I, the undersigned, certify under penalties as provided by law, that the following information is true.

1. I believe Respondent CITY OF HARVEY, ILLINOIS, is indebted to the Judgment Debtor OSHAY RIFE for wages due or to become due.
2. The last known address of the Judgment Debtor is 15301 Dixie Hwy, Harvey, IL 60426.
3. I request that a summons issue directed to Respondent

CERTIFICATE OF ATTORNEY OR JUDGMENT CREDITOR

1.	Judgment in this case was entered on July 13, 2017	
2.	Amount of Judgment	\$399,169.00
3.	Interest at 1.23% pursuant to statute*, as of Oct. 10, 2017	\$ 1,183.60
	Per diem: \$13.45	
4.	Total	\$400,352.60
5.	Deduct: Total amount paid by or on behalf of the Judgment Debtor	\$ 0.00
6.	Balance due Judgment Creditor	\$400,352.60

Attorney: Irene K. Dymkar
Law Firm: Law Offices of Irene K. Dymkar
Address: 1501 N. LaSalle
Suite: Suite 733
City: Chicago, IL 60604
Phone: 773-559-9952


ATTORNEY SIGNATURE

*28 U.S.C. 1961, weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRIMAINE WILSON,)	
)	
Judgment Creditor,)	
v.	)	Case No. 13 C 7845
)	
OSHAY RIFE,	)	Judge Manish S. Shah
)	
Judgment Debtor,	)	RETURN DATE
	)	November 9, 2017
and)	
)	
CITY OF HARVEY, ILLINOIS,)	
)	
Employer.)	

WAGE DEDUCTION SUMMONS

To the Employer:

YOU ARE SUMMONED and required to file answers to the judgment creditor's interrogatories, in the office of the Clerk of this Court, **20th Floor, United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604**, on or before **November 9, 2017**. However, if this summons is served on you less than 3 days before that date, you must file answers to the interrogatories on or before a new return date, to be set by the court, not less than 21 days after you were served with this summons.

This proceeding applies to non-exempt wages due at the time you were served with this summons and to wages which become due until the balance due on the judgment is paid.


IF YOU FAIL TO ANSWER, A CONDITIONAL JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.

Attorney: Irene K. Dymkar
Law Firm: Law Offices of Irene K. Dymkar
Address: 53 W. Jackson
Suite: Suite 733
City: Chicago, IL 60604
Phone: 773-559-9952


ATTORNEY SIGNATURE

THOMAS G. BRUTON

CLERK OF THE COURT


CLERK OF THE COURT

OCT 10 2017
DATED

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRIMAINIE WILSON,)	
)	
Plaintiff/Petitioner,	)	Case No. 13 C 7845
v.)	
	)	Judge Manish S. Shah
OSHAY RIFE,)	
)	
Defendant/Respondent.)	

Name and Address of Respondent's Attorney:	Name and Address of Petitioner's Attorney:
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Respondent: Oshay Rife

Petitioner: Trimaine Wilson

Attorney:	Irene K. Dymkar
Law Firm:	Law Offices of Irene K. Dymkar
Address:	53 W. Jackson
Suite:	Suite 733
City:	Chicago, IL 60604
Phone:	312-345-0123

Amount of Judgment: \$399,169.00	Balance Due: \$399,169.00 plus interest accrued
Name of Employer: City of Harvey	Return Date: November 9, 2017

WAGE DEDUCTION NOTICE

NOTICE: The Court has issued an Summons against the Employer named above for wages due or about to become due to you. The Summons was issued on the basis of a Judgment against you in favor of the Petitioner in the amount stated above. This Judgment is a lien on the Respondent's wages until the total amount due is paid.

The amount of wages that may be deducted is limited by Federal and Illinois law.

- (1) Under Illinois law, the amount of wages that may be deducted is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the Illinois minimum hourly wage.
- (2) Under Federal law, the amount of wages that may be deducted is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which

disposable earnings for a week exceed 30 times the federal minimum hourly wage.

- (3) Pension and retirement benefits and refunds may be claimed as exempt from wage deduction under Illinois law.

You have the right to a hearing before the Northern District of Illinois to dispute the wage deduction because the wages are exempt. To obtain a hearing, you must notify the Clerk of the Court, in writing, at **Clerk of Court, 20th Floor, United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604**, on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney and sent to the Petitioner and the Employer, or their attorney, regarding the time and location of the hearing. This Notice may be sent by regular first class mail.

TITLE III OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT: RESTRICTIONS ON GARNISHMENT

Sec. 301. (a) The Congress finds:

(1) The unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit. Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.

(2) The application of garnishment as a creditors' remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.

(3) The great disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of this subchapter are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws.

Sec. 302. For the purposes of this subchapter:

(a) The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(c) The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

Sec. 303. (a) Except as provided in subsection (b) and in section 1675 of this title, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 206(a)(1) of title 29 in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

(b) Exceptions

(1) The restrictions of subsection (a) do not apply in the case of

(A) any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by State law, which affords substantial due process, and which is subject to judicial review.

(B) any order of any court of the United States having jurisdiction over cases under chapter 13 of title 11.

(C) any debt due for any State or Federal tax.

(2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed—

(A) where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50 per centum of such individual's disposable earnings for that week; and

(B) where such individual is not supporting such a spouse or dependent child described in clause (A), 60 per centum of such individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

(c) No court of the United States or any State, and no State (or officer or agency thereof), may make, execute, or enforce any order or process in violation of this section.

Sec. 304. (a) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

(b) Whoever willfully violates subsection (a) of this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

Sec. 305. The Secretary of Labor may by regulation exempt from the provisions of section 1673(a) and (b)(2) of this title garnishments issued under the laws of any State if he determines that the laws of that State provide restrictions on garnishment which are substantially similar to those provided in section 1673(a) and (b)(2) of this title.

Sec. 306. The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this subchapter.

Sec. 307. This subchapter does not annul, alter, or affect, or exempt any person from complying with, the laws of any State

(1) prohibiting garnishments or providing for more limited garnishment than are allowed under this subchapter, or

(2) prohibiting the discharge of any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRIMAIN WILSON,)	
)	
Plaintiff/Petitioner,)	
v.	)	Case No. 13 C 7845
)	
OSHAY RIFE,	)	Judge Manish S. Shah
)	
Defendant/Respondent,	)	RETURN DATE
	)	November 9, 2017
and)	
)	
CITY OF HARVEY, ILLINOIS,)	
)	
Employer.)	

PETITIONER’S INTERROGATORIES TO EMPLOYER - WAGE DEDUCTION

Employer/Agent _____ certifies under penalty of perjury that the following answers are true and correct to the best of his/her knowledge and belief concerning the property of the Respondent:

DO YOU PAY MONIES TO THE RESPONDENT LISTED ABOVE: ___ YES ___ NO

If Respondent is no longer employed by you, please give termination date: _____

STATE WHETHER ANY FUNDS paid to Respondent are for disability, retirement or are in any other way exempt or subject to another court order (examples: Child Support, lien by federal government, etc.): _____

ONE PAY PERIOD EQUALS
____ Day(s) ____ Week(s) ____ bi-monthly ____ month ____ other

WITHHOLDING

You are required by law to withhold the lesser of (1) 15% per week of the gross amount paid the employee named herein for any work week; or (2) the amount by which disposable earnings of said employee for a week exceed forty-five times the minimum hourly wage in effect at the time the amounts are payable (Example: 2017 minimum wage of \$8.25 per hour; 45x8.25=\$371.25).

NOTICE TO EMPLOYER – INSTRUCTIONS

You must complete and return these Interrogatories. The original is sent back to the Clerk of Court; you must mail a copy to the Petitioner or his attorney; you should give a copy to the Respondent; and you should keep a copy for your records. YOU MUST FILE YOUR ANSWER EVEN IF THE RESPONDENT IS NO LONGER EMPLOYED BY YOU. THE ANSWER MUST BE FILED ON OR BEFORE THE DATE ON THE SUMMONS.

UPON RECEIPT OF THE WITHHOLDING ORDER, ANY MONEY WITHHELD IS SENT TO PETITIONER’S ATTORNEY. (DO NOT SEND ANY OF THE WITHHELD MONEY TO THE CLERK OF COURT.)

HOW TO CALCULATE THE AMOUNT OF WAGES TO WITHHOLD:

A	Gross Wages, minus mandatory contributions to pensions or retirement plan		\$	A
B	Enter total of FICA, Medicare, Federal Tax, and State Tax		\$	B
C	Subtract Line B from Line A (This is net pay)		\$	C
D	Enter Amount of Exempt Wages:		\$	D
	If paid every week:	\$371.25		
	If paid every 2 weeks:	\$742.50		
	If paid twice a month:	\$804.38		
	If paid every month:	\$1608.75		
E	Subtract Line D from Line C		\$	E
F	15% of Line A		\$	F
G	Enter the LESSER of Line E or Line F		\$	G
H	Enter amount of Child Support or other Court ordered deduction		\$	H
I	Subtract Line H from Line G		\$	I
J	Employers One-Time Statutory Fee: 2% of Line I (§5/12– 814)		\$	J
K	Subtract Line J from Line I: Amount to be applied to Judgment		\$	K

Line I is the amount to be withheld from the employee’s paycheck as of the date the Summons is served on you. This calculation should be done for each pay period. Do not disburse that amount until further order of the Court.

AFFIDAVIT

Under penalties as provided by the law, the undersigned certifies that the answers to the Interrogatories are true and that I have either hand-delivered or mailed first class a copy of this answer to the Clerk of Court, Plaintiff's Attorney, and OSHAY RIFE at his last known address.

Signature: _____

Date: _____

Print Full Name: _____

Employer/Agent: _____

Address: _____

City/State/Zip: _____

FAX: _____

Telephone: _____