

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**FEDERAL TRADE COMMISSION**

**CIVIL ACTION**

**VERSUS**

**No. 89-1740**

**NATIONAL BUSINESS  
CONSULTANTS ET AL.**

**SECTION I**

**ORDER**

The Court, having considered the record, the applicable law, the Report and Recommendation<sup>1</sup> of the United States Magistrate Judge, and the objections<sup>2</sup> by defendant-debtor, Robert Namer (“Namer”), which are hereby **OVERRULED**, approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. The Court additionally finds that the record would benefit from a formal correction of the harmless errors in some of the original writs of garnishment, as well as an affidavit relative to Namer’s total debt.

Accordingly,

**IT IS ORDERED** that Namer’s motion<sup>3</sup> to quash and for an accounting is **DENIED**.

**IT IS FURTHER ORDERED** that Namer’s motion<sup>4</sup> for reconsideration is **DENIED**.

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<sup>1</sup>R. Doc. No. 1568. Namer objected to the captioning of the U.S. Magistrate Judge’s opinion as an “order,” rather than as findings and recommendations. R. Doc. No. 1574-1, at 2. Even subjecting the opinion to *de novo* review pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, however, the Court elects to adopt the U.S. Magistrate Judge’s opinion. *See United States v. Lawrence*, 538 F. Supp. 2d 1188, 1191-92 (D.S.D. 2008) (“Some FDCPA decisions rendered by magistrate judges, while not making reference to the authority for doing so, have seemingly been by final appealable orders, . . . while others have been on a report and recommendation basis . . . .”) (citing cases).

<sup>2</sup>R. Doc. No. 1574; *see also* R. Doc. No. 1579.

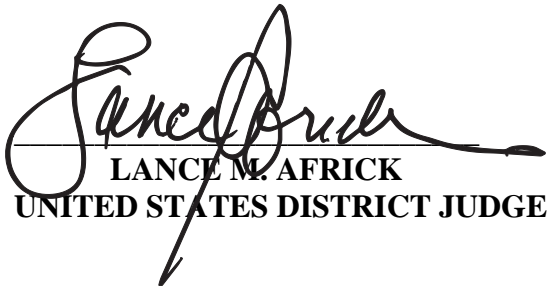
<sup>3</sup>R. Doc. No. 1558.

<sup>4</sup>R. Doc. No. 1565.

**IT IS FURTHER ORDERED** that the writs<sup>5</sup> of garnishment that erroneously describe an initial November 8, 1991 judgment of \$9,145,009.40 are **AMENDED** to reflect the correct November 8, 1991 judgment of \$3,019,377.00.<sup>6</sup>

**IT IS FURTHER ORDERED** that the government shall submit an affidavit on or before **Monday, February 3, 2014**, setting forth the calculations, including, for example, any credits for payments made by Namer, used to compute the total balance of \$12,199,760.57, which was submitted by the government on December 12, 2013.<sup>7</sup>

New Orleans, Louisiana, January 22, 2014.



**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**

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<sup>5</sup>*E.g.*, R. Doc. Nos. 1502, 1505, 1509.

<sup>6</sup>R. Doc. No. 548.

<sup>7</sup>*See* R. Doc. No. 1564, at 2. To be clear, the Court finds unpersuasive Namer's arguments that this balance is incorrect.