

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

ALFRED J. THERIOT, III

CIVIL ACTION

VERSUS

No. 11-1995

BRIT SYSTEMS, INC.

SECTION I

ORDER

Before the Court is a motion¹ filed by defendant, Brit Systems, Inc. (“Brit”) to set aside, dissolve, or modify this Court’s garnishment order pursuant to Federal Rule of Civil Procedure 60(b)(6). Plaintiff, Alfred J. Theriot, III (“Theriot”), has filed an opposition.² Theriot has also filed a motion to withdraw funds deposited in the registry of the Court.³ Brit opposes the motion to withdraw funds.⁴ Having carefully considered the arguments raised in the memoranda submitted by the parties,

IT IS ORDERED that the motion to set aside, dissolve, or modify the garnishment order is **DENIED** as Brit has challenged neither the amended final judgment entered by this Court nor the legality of the garnishment order, and it has otherwise failed to show that its financial condition justifies relief under Federal Rule of Civil Procedure 60(b)(6).⁵ *See Williams v. United States*, 577 F.2d 930, 931 (5th Cir. 1978) (“Pressures of insolvency . . . do not represent the

¹ R. Doc. No. 92.

² R. Doc. No. 84.

³ R. Doc. No. 101.

⁴ R. Doc. No. 103.

⁵ The Court also notes that Brit has cited no authority showing that Rule 60(b)(6), which applies to final judgments, orders, or proceedings, may be used to seek modification of a garnishment order based on an otherwise valid final judgment.

exceptional inequity necessary for granting relief under Rule 60(b).”) (citing *Ackermann v. United States*, 340 U.S. 193 (1950)).

IT IS FURTHER ORDERED that the motion to withdraw funds deposited in the registry of the Court is **GRANTED**.

New Orleans, Louisiana, August 13, 2013.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE