

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/13/2022

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

EMMANUEL O. ASARE and SPRINGFIELD
MEDICAL AESTHETIC PC,

Judgment Debtors.

15 CV 3556 (AT)

**ORDER IMPOSING
10% SURCHARGE ON DEBT**

WHEREAS this Court entered judgment against judgment debtors Emmanuel O. Asare and Springfield Medical Aesthetic PC (together, the “judgment debtors”) in the principal sum of \$390,000.00 on August 5, 2020;

WHEREAS the judgment debtors failed to pay the judgment debt upon demand;

WHEREAS, pursuant to the Federal Debt Collection Procedure Act (“FDCPA”), 28 U.S.C. § 3205, the United States sought, obtained, and served a writ of garnishment on TD Bank, N.A. for substantial nonexempt property belonging to or due to the judgment debtors;

WHEREAS the garnishment proceeding resulted in a final order of garnishment;

WHEREAS, pursuant to 28 U.S.C. § 3011(a), the United States is entitled to recover a surcharge of 10 percent of the amount of the debt in connection with the recovery of the debt, to cover the cost of processing and handling the litigation and enforcement of the claim for such debt; and

WHEREAS the outstanding principal balance of the judgment debt at the time of the application for a writ of garnishment was \$386,418.80; therefore

IT IS HEREBY ORDERED that a 10% litigation surcharge in the amount of \$38,641.88 is assessed and added to the judgment debt, for which the judgment debtors shall be jointly and

severally liable. *See* 28 U.S.C. §§ 3011(a); 3202; 3205; *Board of Governors of Fed. Reserve Sys. v. Pharaon*, 169 F.3d 110, 114 (2d Cir. 1999) (affirming surcharge upon use of FDCPA remedy to recover a debt to the United States).

Payments should be made electronically via www.pay.gov to CDCS Account No. 2021A49029 or by certified check made payable to “United States Department of Justice” with Court No. 15-CV-3556 noted on the face of each payment mailed to:

U.S. Department of Justice
Nationwide Central Intake Facility
P.O. Box 790363
St. Louis, MO 63179-0363

Dated: New York, New York
October 13, 2022



ANALISA TORRES
UNITED STATES DISTRICT JUDGE