

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

EMMANUEL O. ASARE and SPRINGFIELD
MEDICAL AESTHETIC PC,

Judgment Debtors.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/10/2023

15 CV 3556 (AT)

**INSTALLMENT PAYMENT
ORDER**

WHEREAS the Court entered judgment against the judgment debtors, Emmanuel O. Asare (“Asare”) and Springfield Medical Aesthetic, P.C. (“Springfield”) in the amount of \$390,000 on August 5, 2020;

WHEREAS to date neither judgment debtor has made any voluntary payments toward the judgment;

WHEREAS the United States has recovered two involuntary payments via the Treasury Offset Program, namely \$3,581.20 on or about October 27, 2021, and \$1,388.79 on or about November 2, 2022;

WHEREAS pursuant to the Federal Debt Collection Procedure Act, (“FDCPA”), 28 U.S.C. §§ 3202 and 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 the judgment debtors;

WHEREAS Asare opposed the garnishment, and the Court held a hearing on August 3, 2022, in which the Court considered the income, resources, and reasonable requirements of the judgment debtors and Asare’s dependents, any other payments to be made in satisfaction of

judgments against the judgment debtors, and the amount due on the judgment in favor of the United States;

WHEREAS the Court denied Asare's claimed exemptions and entered a Final Order of Garnishment through which \$133,694.94 from TD Bank, N.A. has been applied to the judgment on or about November 3, 2022;

WHEREAS pursuant to the FDCPA, 28 U.S.C. §§ 3202 and 3204, the United States filed a Renewed Motion for Installment Payment Orders with a Clerk's Notice of Exemptions (Dkts. 298-99) and personally served each of those items on each judgment debtor (Dkts. 300-01) on December 9, 2022 in accordance with 28 U.S.C. §§ 3202(c), 3204(a) and Fed. R. Civ. P. 4 ;

WHEREAS more than 20 days have elapsed since each judgment debtor was personally served with the Renewed Motion for Installment Payment Orders with a Clerk's Notice of Exemptions, but neither judgment debtor has filed any claim of exemption, objection, or request for hearing, and the time allowed to do so under 28 U.S.C. §§ 3202(b) and (d) has expired; and

WHEREAS the judgment entered against the debtors remains unpaid, and the outstanding balance is \$291,181.21 with interest accruing at the rate of 0.13%; and

WHEREAS the Court previously conducted a hearing in which it considered the income, resources, and reasonable expenses of the judgment debtors and their dependents;

It is therefore ORDERED

Asare shall make monthly payments of at least \$8,000.00, and Springfield shall make monthly payments of at least \$7,000.00, for \$15,000.00 in total monthly installment payments, to the United States Department of Justice until further order.


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

It is FURTHER ORDERED that Asare shall submit a completed financial statement with all supporting documentation for himself and Springfield to the United States Attorney’s Office upon request until further notice. Failure to make any payment or financial disclosure required by this Order will subject the judgment debtors to contempt of court and an additional 10% litigation surcharge as provided by 28 U.S.C. § 3011 each time the United States files any motion to enforce this Order.

SO ORDERED.

Dated: January 10, 2023
New York, New York



ANALISA TORRES
United States District Judge