

UNITED STATES FEDERAL DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
AT DAYTON

**IRON WORKERS DISTRICT  
COUNCIL OF SOUTHERN OHIO &  
VICINITY BENEFIT TRUST, et al.**

Plaintiffs,

v.

**G.M.A.B. LLC, et al.**

Defendants.

CASE NO. 3:13-CV-00283

DISTRICT JUDGE WALTER H. RICE

CHIEF MAGISTRATE JUDGE  
SHARON L. OVINGTON

**ORDER AND NOTICE OF  
GARNISHMENT**

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**To: Harp Contractors, Inc.  
201 East Andrus Road  
Northwood, OH 43619**

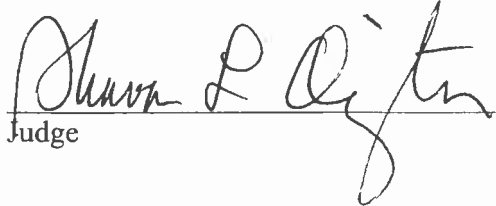
The judgment creditors ("Plaintiffs") in the above case have filed an affidavit, satisfactory to the undersigned in this Court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtors Colin M. Garrett, Gary Maurer, G.M.A.B., LLC, American Builders-Steel Erectors, American Builders Holding Co. LLC, American Builders Design and Fabrication LLC, American Builders Union Steel Erectors LLC, American Builders General Contractors, LLC, American Builders Professional Painting Service LLC, or A B Roofing Outlet, LLC ("Defendant") in the case, and that some of the money, property, or credits may not be exempt from execution or garnishment under the laws of the state of Ohio or the laws of the United States.

You are therefore ordered to complete the "ANSWER OF GARNISHEE" in section (B) of this form. Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: June 27, 2014 at 10:30 AM. Deliver one completed and signed copy of this form to the judgment debtors prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due under the judgment creditor's judgments is \$185,545.76 plus post-judgment interest. The total probable amount now due includes the unpaid portion of the judgments rendered in favor of the judgment creditors.

You are also ordered to hold safely anything of value that belongs to the judgment debtor and that has to be paid to the court, as determined under the "ANSWER OF GARNISHEE" in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seat of this Court this 4<sup>th</sup> day of JUNE,  
2014.

  
Judge

**SECTION B. ANSWER OF GARNISHEE**

Now comes \_\_\_\_\_  
the Garnishee who says:

1. That the Garnishee has money, property, or credits, other than personal earnings of the judgment debtor under the Garnishee's control and in the Garnishee's possession.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

If yes, amount: \_\_\_\_\_

2. That the property is described as:

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section (A) of this form, sign the form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in Section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of this court, indicate that by placing an "X" in this space: \_\_\_\_\_. Do not dispose of that money, property, or credits or give them to anyone else until further order of the Court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

\_\_\_\_\_  
(Print Name of Garnishee)

\_\_\_\_\_  
(Print Name and Title of Person who Completed Form)

Signed:

\_\_\_\_\_  
(Signature of Person Completing Form)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

IRON WORKERS DISTRICT :  
COUNCIL OF SOUTHERN OHIO & :  
VICINITY BENEFIT TRUST, *et al.*, :

Plaintiffs, :

vs. :

G.M.A.B., LLC, *et al.*, :

Defendants. :

Case No. 3:13cv00283

District Judge Walter Herbert Rice

Chief Magistrate Judge Sharon L. Ovington

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**ORDER**

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Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, *et al.* (“Plaintiffs”) have filed a motion with this Court for the issuance of a writ of continuing garnishment in this case against Defendants Colin M. Garrett, Gary Maurer; G.M.A.B., LLC, American Builders-Steel Erectors, American Builders Holding Co. LLC, American Builders Design and Fabrication LLC, American Builders Union Steel Erectors LLC, American Builders General Contractors, LLC, American Builders Professional Painting Service LLC, and A B Roofing Outlet, LLC, (collectively “Defendants”). Plaintiffs’ Motion and Memorandum in Support claim that \$185,545.76 remains outstanding on the Order Granting Motion for Default Judgment issued on December 2, 2013. (Doc. #1). Plaintiffs believe that the Garnishees, who upon information and belief has monies due

and owing from to Defendants, with such receivables being non-exempt interests of the Defendants, are:

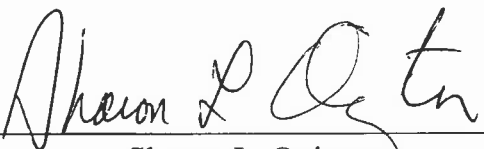
RFC Contracting, Inc.  
13477 Prospect Road, Suite 105  
Strongsville, OH 44140

Harp Contractors, Inc.  
201 East Andrus Road  
Northwood, OH 43619

Accordingly, Plaintiffs' Motion For Writ Of Garnishment (Doc. #34) is GRANTED.

A Writ of Continuing Garnishment in the amount of \$185,545.76 is hereby issued in favor of Plaintiffs and against Defendants for funds due and owing from RFC Contracting, Inc. and Harp Contractors, Inc.

June 4, 2014

  
\_\_\_\_\_  
Sharon L. Ovington  
Chief United States Magistrate Judge

UNITED STATES FEDERAL DISTRICT COURT  
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**IRON WORKERS DISTRICT  
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CHIEF MAGISTRATE JUDGE  
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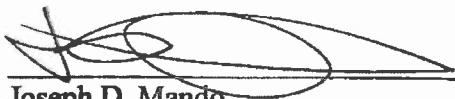
**AFFIDAVIT OF**  
**JOSEPH D. MANDO**

I, Joseph D. Mando, an associate attorney with the firm of Faulkner, Hoffman & Phillips, LLC, whose business address is 20445 Emerald Parkway Dr., Suite 210, Cleveland, Ohio 44135-6029, having been duly cautioned and sworn upon my oath, do now hereby freely state and depose as follows:


1. I am an attorney at law and licensed to practice in the State of Ohio and in this Court. I serve as counsel to the Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, *et al.* ("Plaintiffs") in this Case, who on December 2, 2013 recovered a judgment against Defendants Colin M. Garrett, Gary Maurer, G.M.A.B., LLC, American Builders-Steel Erectors, American Builders Holding Co. LLC, American Builders Design and Fabrication LLC, American Builders Union Steel Erectors LLC, American Builders General Contractors, LLC, American Builders Professional Painting Service LLC, and A B Roofing Outlet, LLC, totaling \$247,495.76. Of that amount, \$185,545.76 remains unsatisfied and post-judgment interest is still owed.
2. I am over the age of majority, of sound mind, and in all other ways qualified to give a sworn statement before this Court.
3. I have personal knowledge of all of the facts and circumstances that are set forth in this Affidavit.
4. The judgment debtors are Colin M. Garrett, Gary Maurer, G.M.A.B., LLC, American Builders-Steel Erectors, American Builders Holding Co. LLC, American Builders Design and Fabrication LLC, American Builders Union Steel Erectors LLC, American Builders General Contractors, LLC, American Builders Professional Painting Service LLC, and A B Roofing Outlet, LLC.

5. The garnishee is RFC Contracting, Inc.
6. I have reason to believe that garnishee, RFC Contracting, Inc. whose business address is 13477 Prospect Road, Suite 105, Strongsville, Ohio 45380, may have property, other than personal earnings, of the judgment debtors that is not exempt under the laws of Ohio or the laws of the United States. The property to be garnished is accounts receivable monies due and owing the judgment debtor currently in the possession of the garnishee.

**FURTHER AFFIANT SAYETH NAUGHT**

  
\_\_\_\_\_  
Joseph D. Mando

**SWORN TO AND SUBSCRIBED** before me, a Notary Public in and for the State of Ohio, this 23 day of May, 2014.

  
\_\_\_\_\_  
Notary Public

**MATTHEW T. HURM, ATTORNEY  
NOTARY PUBLIC • STATE OF OHIO  
My commission has no expiration date  
Section 147.03 O.R.C.**