

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: Osgood State Bank  
275 W. Main St.  
P.O. Box 69  
Osgood, Ohio 45351**

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 Gary Maurer (SSN 293-44-XXXX), Colin M. Garrett, 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 (collectively "Defendants") 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: Ju

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 20<sup>th</sup> day of June,  
2014.

Sharon L. Ojima  
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.

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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. #18). 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:

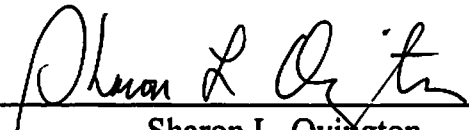
Coast Machinery Movers  
2431 Chico Avenue  
South El Monte, California 91733

Fifth Third Bank  
38 Fountain Square Plaza  
Cincinnati, Ohio 45263

Osgood State Bank  
275 W. Main Street  
P.O. Box 69  
Osgood, Ohio 45351

Accordingly, Plaintiffs' Motion For Writ Of Garnishment (Doc. #48) 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 Coast Machinery Movers, Fifth Third Bank, Osgood State Bank.

June 20, 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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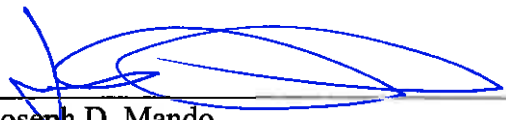
**AFFIDAVIT OF**  
**JOSEPH D. MANDO**

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:

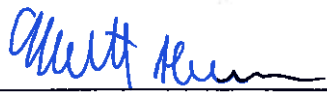
1. I am an attorney at law and licensed to practice in the State of Ohio and in this Court. I serve as counsel to the Plaintiffs Iron Workers District Council of Southern Ohio & Vicinity Benefit Trust, *et al.* ("Plaintiffs") in this Case, who on December 2, 2013 recovered a judgment against Defendants 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 Coast Machinery Movers.
6. I have reason to believe that garnishee, Coast Machinery Movers whose business address is 2431 Chico Avenue, South El Monte, California 91733, may have property, other than personal earnings, of one or more 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 11th day of June, 2014.

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

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

UNITED STATES FEDERAL DISTRICT COURT  
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**IRON WORKERS DISTRICT COUNCIL  
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CASE NO. 3:13-CV-00283

DISTRICT JUDGE WALTER H. RICE

CHIEF MAGISTRATE JUDGE SHARON  
L. OVINGTON

**REQUEST FOR HEARING**

I dispute the judgment creditors' (Plaintiffs') right to garnish my money, property, or credits, other than personal earnings, in the above case and request that hearing in this matter be held July 30, 2014 (insert "on" or "earlier than") the date and time set forth in the document entitled "NOTICE OF GARNISHMENT" that I received with this request form.

I dispute the judgment creditors' right to garnish my property for the following reasons (optional):

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**I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE  
HEARD OR CONSIDERED AT THE HEARING.**

\_\_\_\_\_  
Colin M. Garrett

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF ROBERTSON CONSTRUCTION WILL BE PAID TO THE PLAINTIFFS IN THE INSTANT CASE TO SATISFY SOME OR ALL OF YOUR DEBT TO THE PLAINTIFFS.**