

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

NATIONAL ELECTRICAL BENEFIT  
FUND, *et al.*,

Judgment Creditors,

Case No.: 3:14-mc-007

vs.

BRIGHT STREET, LLC,

Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Judgment Debtor.

---

---

**ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN  
PERSONAL EARNINGS AND ANSWER OF GARNISHEE**

---

---

**SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT**

To: First Financial Bank, Garnishee

The Judgment Creditors 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 debtor, and that some of the money, property, or credits may not be exempt from 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 23, 2014 at 2:00 p.m.** Deliver one completed and signed copy of this form to the Judgment Debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due on this judgment is \$218,306.54 plus post-judgment interest. The total probable amount now due includes the unpaid portion of the judgment in favor of the Judgment Creditors National Electrical Benefit Fund and National Electrical Annuity Fund.

You also are 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.

**IT IS SO ORDERED.**

June 4, 2014

/s **Michael J. Newman**  
United States Magistrate Judge

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

NATIONAL ELECTRICAL BENEFIT  
FUND, *et al.*,

Judgment Creditors,  
vs.

Case No.: 3:14-mc-007

BRIGHT STREET, LLC,  
Judgment Debtor.

Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

---

---

**ANSWER OF GARNISHEE**

---

---

**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 over \$400

2. That 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 and return this 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 the 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.

**To: First Financial Bank  
3210 Seajay Drive  
Beavercreek, Ohio 45430**

### **INSTRUCTIONS TO THE GARNISHEE**

Attached is a writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the debtor listed herein, or any other property of the debtor. **You are required by law to serve a written answer to this Writ within ten (10) days of your receipt of this Writ.** You must file the original answer with the Court issuing this Writ and serve a copy to Bright Street, LLC, Judgment Debtor, and to the National Electrical Benefit Fund and National Electrical Annuity Plan's counsel, Cook & Logothetis, LLC. You are further required to hold and retain any property in which the debtor has a substantial non-exempt interest until the Garnishment Order is signed by this Court and you are instructed regarding payments. A list of exemptions which are not subject to the Writ of Garnishment is attached to the Clerk's Notice, entitled Claim for Exempted Form.

**IF YOU FAIL TO ANSWER THIS WRIT OR WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY FEES TO THE NATIONAL ELECTRICAL BENEFIT FUND IF THE NATIONAL ELECTRICAL BENEFIT FUND FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.**

If you have any questions, please call Cook & Logothetis, LLC, counsel for National Electrical Benefit Fund and National Electrical Annuity Plan at: 513-287-6992.

## **IMPORTANT STATEMENT**

This wage garnishment directs the withholdings of up to 25% of the judgment debtor's disposable income. In certain cases, however, federal law does not permit the withholding of that much of the debtor's disposable income. The judgment debtor is referred to the 15 United States Code § 1671 et. Seq.

### I. Limitations on the amount that can be withheld:

- A. If judgment debtor's weekly disposable earnings are less than thirty (30) times the current federal minimum wage, no deduction can be made under this wage garnishment.
- B. If deductions are being made from a judgment debtor's gross income under any orders for alimony, support maintenance for family members or former spouses, and those deductions are less than 25% of the judgment debtor's disposable earning, deductions maybe made under the wage garnishment. However, the amount arrived at by adding the deductions made under this execution to the deduction made under any orders for alimony, support or maintenance for a family members or former spouses cannot exceed 25% of the judgment debtor's disposable earnings.

NOTE: Nothing in this wage garnishment limits the proportion or amount which may be deducted under any order for alimony, support or maintenance for family member or former spouses.

### II. Explanation of Limitations – Definitions

Disposable Earnings: Disposable earnings are that part of an individual's earnings left after deduction those amounts that are required by law to be withheld, for example, taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans.

Gross Income: Gross income is salary, wages or other income including any and all overtime earning, commissions and income trusts, before any deductions are made from such income.