

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ELLEN MARIE GALLAGHER,

13 Defendant.

14 CASE NO. C16-0884-JCC

ORDER

15 This matter comes before the Court on the United States' motion to issue continuing  
16 garnishee order (Dkt. No. 26). The Garnishee, USAA Federal Savings Bank, does not oppose the  
17 United States' motion, but responds that it no longer employs the Defendant/Judgment Debtor  
18 Ellen Marie Gallagher, as she retired in August 2016. (Dkt. No. 28 at 1.)

19 Accordingly, the Court ORDERS the following:

20 (1) That the Garnishee, USAA Federal Savings Bank, shall pay to the United States  
21 District Court for the Western District of Washington, the non-exempt wages payable  
22 to Defendant/Judgment Debtor Ellen Marie Gallagher, upon each period of time when  
23 Defendant/Judgment Debtor Gallagher is/was entitled to receive such funds,  
24 including the amount that USAA garnished from Mrs. Gallagher's wages in the total  
25 amount of \$1,341.37, and \$418.66 from USAA's own funds to remedy not garnishing  
26 a full 25 percent of Mrs. Gallagher's exempt wages for pay periods since May 27,

1 2016, as set forth in Garnishee USAA Federal Savings Bank's Form Answer and  
2 Accounting. (Dkt. Nos. 23 and 24.) Garnishee shall continue said payments, if any,  
3 until Defendant/Judgment Debtor Gallagher's debt is paid in full or until  
4 Defendant/Judgment Debtor is no longer an active employee of Garnishee and the  
5 Garnishee no longer has possession, custody or control of any funds due and owing to  
6 the Defendant/Judgment Debtor or until further order of this Court. This includes all  
7 other monies required to be previously withheld by the Garnishee, in accordance with  
8 the Writ of Continuing Garnishment;

9 (2) That the Garnishee, USAA Federal Savings Bank, shall pay to the United States  
10 District Court for the Western District of Washington, the entire amount (less federal  
11 tax withholdings paid to the Internal Revenue Service) of non-exempt property from  
12 any and all accounts in the Garnishee's possession, custody, or control, including, but  
13 not limited to, any profit-sharing contribution for the fiscal year 2016, to Ms.  
14 Gallagher's USAA Retirement Savings Plan, set to be made in February 2017, if  
15 approved by USAA's Board of Directors, in which the Defendant maintains an  
16 interest and meets the requirements to withdraw, but such amount shall not exceed the  
17 amount necessary to pay Ms. Gallagher's restitution balance in full. Such amounts  
18 include the \$2,894.65 identified on page 3 of Docket Number 23;

19 (3) That such payment shall be applied to Defendant/Judgment Debtor Gallagher's  
20 outstanding restitution obligation, by the United States District Court for the Western  
21 District of Washington; and

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(4) That the payment shall be made out to the United States District Court, Western District of Washington, referencing Case Nos. 2:96-CR-00577-TSZ-1 and 2:16-CV-00884-JCC, and to deliver such payment either personally or by First Class Mail to:

United States District Court, Western District of Washington

Attn: Financial Clerk – Lobby Level

700 Stewart Street

Seattle, Washington 98101

DATED this 14th day of February, 2017.

John C. Conner

John C. Coughenour  
UNITED STATES DISTRICT JUDGE