

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JAMIE BLOCK and RANDI REZUTKA,

Plaintiffs,

v.

Case No: 5:16-cv-55-Oc-30PRL

**WING, GRILL & BEER MASTERS,
INC. and CARA TUMINELLO**

Defendants.

ORDER


Plaintiffs obtained a judgment against Defendants, Wing, Grill & Beer Masters, Inc. and Cara Tuminello for the sum of \$33,663.00. Plaintiffs represent that there remains due and unpaid on the judgment the sum of \$29,408.12, plus interest at the statutory rate from August 12, 2016. Plaintiffs also obtained a judgment against Impleader Defendants, Nomdeplume, Inc. d/b/a/ WGB's Sports Craft Bar and Grill and Brianna Shafer for the sum of \$33,663.00. Plaintiffs represent that there remains due and unpaid on the judgment the sum of \$29,408.12, plus interest at the statutory rate from November 30, 2017. Now, in efforts to collect the unpaid judgment, Plaintiffs seek a Continuing Writ of Garnishment to be issued against Regal Cinemas, Inc., the Impleader Defendant, Brianna Shafer's employer for any salary or wages owed or to be owed to Ms. Shafer. (Doc. 46).

Pursuant to Fed. R. Civ. P. 69, the Court must follow state law for garnishment procedures. *See* Fed. R. Civ. P. 69. Chapter 77 of the Florida Statutes prescribes the procedure for issuance and enforcement of writs of garnishment. To obtain a writ of garnishment after judgment, Plaintiffs are required to file a motion stating the amount of the judgment, which they have done. *See* Fla.

Stat. § 77.03. Plaintiffs have also submitted the proposed writ, which complies with the requirements of § 77.0305, Florida Statutes, as well as the Notice to Impleader Defendant of Right Against Garnishment of Wages, Money, and Other Property and Claim of Exemption and Request for Hearing as required by § 77.041, Florida Statutes.

Accordingly, upon due consideration, Plaintiffs' Motion for Continuing Writ of Garnishment Against Salary or Wages (Doc. 46) is **GRANTED**. The **Clerk** is **directed** to issue the Continuing Writ of Garnishment, with the attached Notice to Impleader Defendant and Claim of Exemption and Request for Hearing. (Doc. 46-1 at 2-7). Plaintiffs are reminded that they must fully comply with all notice requirements of § 77.041, Florida Statutes.

DONE and ORDERED in Ocala, Florida on November 26, 2018.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties