

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SEALED UNITS PARTS CO., INC.,

Plaintiff,

v.

Case No: 8:17-mc-109-T-36AEP

SYCOM SURGE, INC., MARK TUCKER,
DAVID ROSS BRENNAN, TURNER
SOLUTIONS, INC., SUNTRUST BANK,
BEVERLY A. BRENNAN and 12929 44TH
STREET LLC,

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Anthony E. Porcelli on April 2, 2018 (Doc. 95). In the Report and Recommendation, Magistrate Judge Porcelli recommends that the Motion for Entry of Stipulated Final Judgment (Doc. 87) be granted, the Writ of Garnishment be dissolved with respect to Account No. XXXX8603 in the name of the Lauren Jones Irrevocable Trust and the Motion to Dissolve Writ of Garnishment (Doc. 39) be denied as moot. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted.

Accordingly, it is now

ORDERED AND ADJUDGED:

(1) The Report and Recommendation of the Magistrate Judge (Doc. 95) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

(2) The Motion for Entry of Stipulated Final Judgment (Doc. 87) is **GRANTED**. A Final Judgment on Writ of Garnishment to Branch Banking and Trust Company will be entered by separate order and contain the following provisions:

- a. Judgment Creditor Sealed Unit Parts Co., Inc. is permitted to receive and recover from garnishee Branch Banking and Trust Company, whose address is c/o Alissa M. Ellison, Esq., GrayRobinson, P.A., 401 East Jackson Street, Suite 2700, Tampa, Florida, all funds in any account to which Judgment Debtors have signatory authority, including but not limited to: (1) Account No. XXXX9840 in the name of Mark Tucker; (2) Account No. XXXX6606 in the name of Justin D. Turner and Mark Tucker; (3) Account No. XXXX6387 in the name of Mark Tucker; and (4) Account No. XXXX5931 in the name of Turner Solutions Inc.
- b. Notwithstanding the foregoing, the Writ of Garnishment is **DISSOLVED** with respect to Account No. XXXX8603 in the name of the Lauren Jones Irrevocable Trust.
- c. Garnishee is directed to release all monies due and payable under the Writ of Garnishment to Judgment Creditor to Greenberg Traurig, P.A.'s trust account at the following address: c/o Michael H. Moody, Esq., Greenberg Traurig, P.A., 101 East College Ave., Tallahassee, Florida 32301.

- d. Garnishee Branch Banking and Trust Company is permitted to collect \$100.00 in garnishee attorney's fees and costs from the accounts withheld under the Writ of Garnishment, which amount is taxable by Judgement Creditor against Judgment Debtors and shall bear interest at the legal rate, for all of which let execution issue.
- e. The Court reserves jurisdiction to enter all further orders as necessary, including but not limited to all orders necessary to enforce this judgment and to enter an award of Judgment Creditor's costs against Judgment Debtors.
- f. This judgment is without prejudice to Judgment Creditor's rights to collect should Garnishee become indebted to Judgment Debtors at any time in the future.

(3) The Motion to Dissolve Writ of Garnishment (Doc. 39) is **DENIED** as moot.

DONE AND ORDERED at Tampa, Florida on July 20, 2018.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Anthony E. Porcelli
Counsel of Record