

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

R. BRUCE HERSCEND and
DIANNA HERSCEND,

Plaintiffs,

v.

Case No: 2:18-mc-3-FtM-29CM

WILLIAM J. HILL, III and
DEBRA A. HILL,

Defendants.

ORDER

This matter comes before the Court upon review of Plaintiffs' Motion for Writ of Garnishment After Judgment filed on August 10, 2018. Doc. 4. For the reasons stated below, the motion is granted.

On August 24, 2009, in the Western District of Missouri, the jury returned verdicts in favor of Plaintiffs in case number 07-3426-CV-S-ODS. Doc. 1 at 2. On October 1, 2009, the district court entered judgment against Defendants in the amount of \$1,368,380. *Id.* at 1. Plaintiffs registered the foreign judgment with this Court on February 5, 2018. *Id.* Plaintiffs state that Defendants William J. Hill, III and Debra A. Hill are not in possession of "property on which a levy can be made sufficient to satisfy the judgment[.]" Doc. 4 at 1. Plaintiff believes Garnishee Centennial Bank, formerly known as Stonegate Bank, is indebted to Defendants or has tangible or intangible personal property of Defendants in its possession or control. *Id.* at 1-2.

Pursuant to Rule 69 of the Federal Rules of Civil Procedure, enforcement of a judgment shall be through writ of execution unless the court directs otherwise. Fed. R. Civ. P. 69(a)(1). The court may order other remedies that accord with the procedure of the state where the court is located. *Id.* Florida law provides for the remedy of garnishment pursuant to Fla. Stat. § 77.01 *et seq.* Under the applicable Florida statute, notice is provided to a defendant after service of the writ of garnishment. Here, judgment has been entered against Defendants in the Western District of Missouri, and the Court finds good cause to grant the motion. Plaintiffs must continue to follow all provisions, including notice requirements.

ACCORDINGLY, it is

ORDERED:

Plaintiffs' Motion for Writ of Garnishment After Judgment (Doc. 4) is **GRANTED**. The Clerk is directed to issue the writ of garnishment submitted with the motion (Doc. 4 at 12-13).

DONE and **ORDERED** in Fort Myers, Florida on this 15th day of August, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record