

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

**GOVERNMENT EMPLOYEES
INSURANCE CO., et al.,**

Plaintiff,

v.

Case No. 8:20-cv-00802-KKM-AAS

**THE RIGHT SPINAL CLINIC,
INC., et al,**

Defendants.

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ORDER

Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company, and GEICO Casualty Co. (collectively, GEICO) request the court compel defendants to individually complete Fla. R. Civ. P. Form 1.977. (Doc. 416). Defendants oppose the motion. (Doc. 417).

On April 27, 2023, the court entered judgment for GEICO and against the defendants for \$690,251.44, plus post-judgment interest. (Doc. 350). The judgment remains outstanding and unsatisfied. (Doc. 416, p. 2). Defendants believe their pending appeal is instructive on the issue of post-judgment discovery in aid of execution because “[i]f Florida prohibits the execution of a judgment [. . .] and creates an automatic stay, it clearly also prohibits discovery in aid of execution.” (Doc. 417, p. 4). However, there is no stay in this case, and

discovery in aid of execution is appropriate. *See Nat'l Serv. Indus., Inc. v. Vafla Corp.*, 694 F.2d 246, 250 (11th Cir. 1982) (“If a judgment may be executed upon after an appeal has been filed, certainly discovery in aid of its execution is not precluded by the filing of an appeal.”).

Florida Rule of Civil Procedure 1.560, titled Discovery in Aid of Execution, provides:

In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court.

Florida’s rules pertaining to discovery in aid of execution, requiring that a judgment creditor be ordered to fill out Form 1.977, apply. *See Fed. R. Civ. P.* 69(a)(2) (“In aid of the judgment or execution, the judgment creditor . . . may obtain discovery from any person – including the judgment debtor – as provided in these rules or by the procedure of the state where the court is located.”).

Accordingly, GEICO’s motion to compel the defendants to complete Form 1.977 Fact Information Sheet (Doc. 416) is **GRANTED**. Each defendant must individually mail or deliver a completed Form 1.977¹ (attached to GEICO’s first

¹ As requested by GEICO, Right Spinal should complete the Fact Information sheet “for corporations and other business entities,” and Jimenez-Urdanivia, Mora-Jimenez, and Garcia-Gamez should each separately complete the Fact Information Sheet for Individuals.

motion to compel at Doc. 411, Ex. 1), including all required attachments, to Attorney John Patrick Marino at Rivkin Radler, LLP, 1301 Riverplace Blvd., Suite 1000, Jacksonville, FL 32207, no later than **January 5, 2024**.

ORDERED in Tampa, Florida on December 7, 2023.

A handwritten signature in black ink that reads "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge