

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

**NATIONAL JUDGMENT RECOVERY,
INC.,**

Plaintiff,

v.

Case No.: 8:21-mc-0139-MSS-AAS

HUMBERTO MORENO,

Defendant.

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ORDER

Nationwide Judgment Recovery, Inc. (NJR) moves the court, under Rule 69 of the Federal Rules of Civil Procedure and Florida Statutes § 77.01 et seq., to issue a writ of garnishment against Bank of America, N.A. for a judgment owed by Humberto Moreno. (Doc. 37).

Rule 69 provides that a money judgment is enforced by a writ of garnishment. Fed. R. Civ. P. 69(a)(1). “The procedure on execution . . . must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” *Id.* Florida law provides a right to a writ of garnishment to judgment creditors to help satisfy a money judgment. FLA. STAT. § 77.01. To obtain a writ of garnishment, the judgment creditor must file a motion stating the amount of the judgment. FLA. STAT. § 77.03. The writ must direct the garnishee to answer the writ within twenty days and state

the amount named in the judgment creditor's motion. FLA. STAT. § 77.04.

On August 14, 2017, the United States District Court for the Western District of North Carolina entered judgment against the defendant class, including Mr. Moreno, in the amount of \$43,863.62, plus accruing post-judgment interest. (Doc. 37, p. 2). According to NJR's motion, this amount remains unpaid. (*Id.*).

NJR's Motion for Writ of Garnishment (Doc. 37) is **GRANTED**. The Clerk of Court is **DIRECTED** to issue the writ of garnishment to the named garnishee using the form attached to NJR's motion. (Doc. 37-1). NJR must include with the writ copies of:

- a. NJR's Motion for Writ of Garnishment (Doc. 37),
- b. this Order, and
- c. The Registration of Foreign Judgment (Doc. 1).

ORDERED in Tampa, Florida on December 12, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge