

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

DIGIART, LLC,

Plaintiff,

v.

DANNY CASALE,

Defendant.

Case No. 6:22-cv-494-WWB-RMN

ORDER

This cause comes before the Court for consideration without oral argument on Defendant Danny Casale’s Motion to Enforce the Bill of Costs Awarded and Compel Plaintiff’s Payment Thereof (Dkt. 66), filed December 12, 2023. Simply put, Plaintiff has not paid Defendant the costs previously awarded, and Defendant now seeks a Court order compelling Plaintiff to pay.

The Court awarded \$10,121.65 in costs to Defendant. Dkt. 64. Once the clerk taxed those costs, Dkt. 65, they were included in the judgment by law. 28 U.S.C. § 1920 (“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”). In other words, Defendant received a money judgment.

“A money judgment is enforced by a writ of execution.” 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.* Federal Rule of Civil Procedure 64 provides that a judgment-creditor has access to “every remedy . . . available . . . under the law of [Florida] . . . for seizing a . . . property to secure satisfaction of the potential judgment.” Fed. R. Civ. P. 64(a).

Defendant must follow the procedure set forth in Federal Rule of Civil Procedure 69(a) and Florida law if he wishes the judgment enforced and believes Plaintiff has tangible assets in this District.

Accordingly, it is **ORDERED** that Defendant’s motion (Dkt. 66) is **DENIED without prejudice**.

DONE and ORDERED in Orlando, Florida, on December 12, 2023.



ROBERT M. NORWAY
United States Magistrate Judge

Copies to:

Counsel of Record