

DEC

IN THE UNITED STATES
DISTRICT COURT, SOUTHERN
DISTRICT OF FLORIDA

CASE NO. : 00-6357-ZI C C H

BRUCE ANDERSON, WENDY
ANDERSON, RANDY HAUGEN, VALERIE
HAUGEN, FREEDOM ASSOCIATES, INC.,
FREEDOM TOOLS, INC.,

Plaintiffs,

vs.

MAHALEEL LEE LUSTER, individually,
MAHALEEL LEE LUSTER d/b/a GO
DIAMOND PRODUCTIONS and MAHALEEL
LEE LUSTER d/b/a LUSTERVISION,

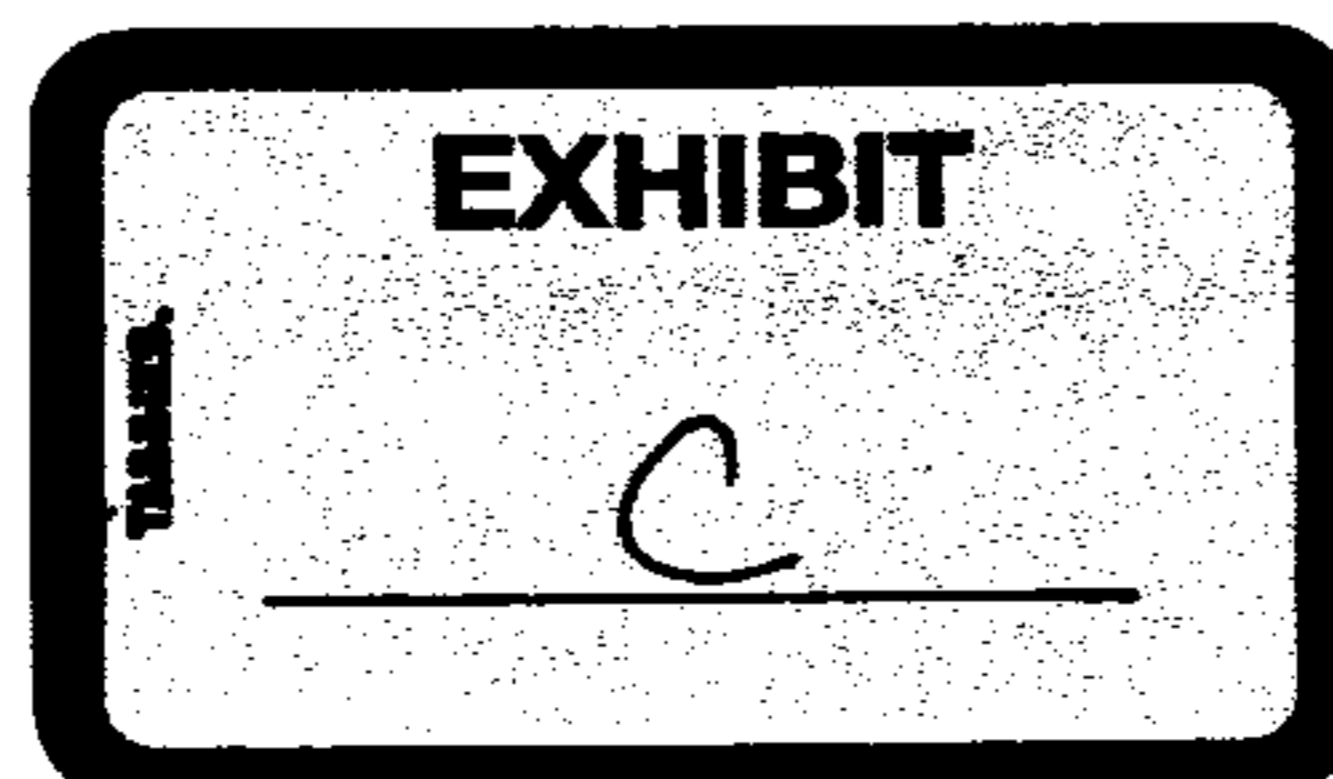
Defendants.

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CHRISTOPHER, P.A.

**ORDER ON PLAINTIFFS' MOTION TO SEIZE
MAHALEEL LUSTER'S CHOSE IN ACTION**

THIS MATTER is before the Court on Plaintiffs' Motion to Seize Mahaleel Luster's Chose in Action ^(DE 16) in the lawsuit styled, Gooch Support Systems, Inc., Gooch Enterprises, Inc., Hal Gooch and Chris Gooch vs. Mahaleel Luster, Case No. 94 - 09881 (3), now pending in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida. Upon consideration of such motion, the Court being otherwise fully advised in the premises, finds:

1. Plaintiffs in Execution BRUCE ANDERSON and WENDY ANDERSON have obtained a valid judgment against Defendants, entered by the United States District Court, Middle District of Florida on April 13, 1999 in the amount of \$135,473.06, plus costs in the amount of \$1,929.46. The judgment was registered pursuant to 28 USCA §



1963 with this Court for purposes of domestication and enforcement in this District. A certified copy of the judgment was recorded in Official Records Book 29933, pages 1230-1257, of the Public Records of Broward County.

2. Plaintiffs in Execution RANDY HAUGEN, VALERIE HAUGEN, FREEDOM ASSOCIATES, INC. and FREEDOM TOOLS, INC. have obtained a valid judgment against the Defendants, entered by the United States District Court, Middle District of Florida on April 13, 1999, in the amount of \$85,589.34, plus costs in the amount of \$1,563.47. The judgment was registered pursuant to 28 USCA § 1963 with this Court for purposes of domestication and enforcement in this District. A certified copy of the judgment was recorded in Official Records Book 29933, pages 1230-1257, of the Public Records of Broward County.

3. Defendant MAHALEEL LEE LUSTER is a resident of Broward County and his related Defendant businesses DIAMOND PRODUCTIONS and LUSTER VISION are both located in Broward County. All Defendants will hereinafter be collectively referred to as "LUSTER."

4. Plaintiffs in Execution have not received satisfaction of their respective judgments, in full or in part; there is presently due upon the judgments the sum of \$224,558.33 which is the balance of the debt unsatisfied and owing, plus accrued interest at the rate of 4.732% as provided by the Final Judgment.

5. Plaintiffs in Execution have delivered a Writ of Execution pursuant to the judgments to the United States Marshal Service; the Writ of Execution is valid, remains unsatisfied and outstanding in possession of the Marshal Service.

6. This Court previously ordered that Plaintiffs in Execution were entitled to proceedings supplementary, pursuant to Fla. Stat. § 56.29 (1) and Fed.R.Civ.P. 69 (a).

7. On July 27, 2000, the Plaintiffs in Execution commenced taking the deposition of Defendant MAHALEEL LEE LUSTER. He testified that he has no income or current employment and that he has no reachable assets sufficient to satisfy the Plaintiffs' judgments other than his personal chose in action, which he is prosecuting as a counterclaim in the pending case Gooch Support Systems, Inc., Gooch Enterprises, Inc., Hal Gooch and Chris Gooch vs. Mahaleel Luster, Case No. 94 - 09881 (3), in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Fla. That case includes three counts – breach of contract, conversion, and tortious interference with a business relationship -- that constitute a property right and which are reachable by Plaintiffs in Execution in proceedings supplementary. Puzzo v. Ray, 386 So.2d 49, 51 (Fla. 4th DCA 1980). Proceedings supplementary are available to reach a chose in action. General Guaranty Insurance Co. of Fla. v. DaCosta, 190 So2d 211, 213-214 (Fla. 3rd DCA 1966); See also, Allen v. Hinson, 560 So.2d 411, 412 (Fla. 1st DCA 1990) (Judgment debtor's "property" subject to seizure by judgment creditor is broadly construed to include a right of action.)

THEREFORE, IT IS ORDERED AND ADJUDGED as follow:

1. That Plaintiffs are entitled to MAHALEEL LEE LUSTER's property right in the case Gooch Support Systems, Inc., Gooch Enterprises, Inc., Hal Gooch and Chris Gooch vs. Mahaleel Luster, Case No. 94 - 09881 (3), in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Fla. and that the Plaintiffs be immediately

substituted as the real parties in interest to pursue the counterclaims therein for breach of contract, conversion, and tortious interference with a business relationship; and

2. Defendant MAHALEEL LEE LUSTER shall pay Plaintiffs in Execution reasonable attorneys' fees for these proceedings and all related costs in accordance with Fla. Stat. §§ 56.29 (11) and 57.115.

DATED this 6th day of ~~August~~^{Sept.}, 2000.

By: Barry Selby
~~The Honorable William J. Zloch~~
U.S. Magistrate Judge

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