

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

NATIONAL LABOR RELATIONS BOARD,)	
)	
Applicant,)	
)	
v.)	
)	
BELLA FURNITURE SOLUTIONS, INC and DOMENICK BELLAVIGNA)	
)	
Respondents,)	16-cv-00291-MW-GRJ
)	
REGIONS BANK,)	
)	
Garnishee.)	
)	

MOTION FOR ORDER TO DISBURSE GARNISHED FUNDS

The National Labor Relations Board (“Board”), through its undersigned counsel, hereby files this Motion requesting that the Court order Regions Bank to disburse certain funds specified below pursuant to this Court’s September 1, 2016 Writ of Garnishment, the United States Court of Appeals for the Second Circuit’s (“Second Circuit”) June 30, 2017 judgment (“Judgment”), and 28 U.S.C. §3205(c)(7). In support of its motion, the Board shows as follows:

1. On August 30, 2016, the Board filed an *Ex Parte* Application for Pre-Judgment Writ of Garnishment and Protective Restraining Order under the Federal Debt Collection Procedures Act (“FDCPA”), 28 U.S.C. §§ 3011, 3013, 3101, and 3104, to recover monies owing to the Board by Respondents Domenick Bellavigna (“Bellavigna”) and Bella Furniture Solutions, Inc. (jointly, “Respondents”). Doc. 1-7.

2. On September 1, 2016, this Court entered a Writ of Garnishment instructing Regions Bank, among other things, not to pay any debt owed or release to Respondents any nonexempt earnings or property up to and including \$36,294.50. Doc. 3.

3. On September 12, 2016, Regions Bank filed an Answer to this Court's September 1, 2017 Writ of Garnishment and stated that it was holding \$1,172.79 in funds belonging to Bellavigna, in an account ending in "578." Doc. 7, p. 3.

4. Bellavigna has neither filed an objection to Regions Bank's Answer within 20 days, as specified in 28 U.S.C. § 3205(c)(5), nor asserted that these specific funds are exempt from garnishment.

5. On June 30, 2017, the Second Circuit enforced the Board's order requiring Respondents to pay \$32,995 in back pay and unpaid fund contributions. Second Circuit Case No. 16-2200, Doc. 160-1. Mandate issued on August 21, 2017. Second Circuit Case No. 16-2200, Doc. 162.

WHEREFORE, pursuant to the Writ, the Judgment, and 28 U.S.C. § 3205(c)(7), the Board respectfully requests that the Court enter an order directing Regions Bank to immediately disperse to the Board the sum of \$1,172.79 in payment towards Bellavigna's judgment debt.

A proposed Order to Disburse Garnished Funds is submitted with this Motion.

Respectfully submitted,

s/ Portia Gant
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Dated at Washington, D.C.
this 28th day of September, 2017.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing motion and proposed order have this day been served on the following:

By First Class Mail:

Regions Bank

Loretta Daniels
PO Box 830590
Birmingham, AL 35283-0590

Respondent

Domenick Bellavigna
240 Smokehouse Way
Greenville, FL 32331

s/ Portia Gant

Portia Gant
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(202) 273-1921

Dated at Washington, D.C.
this 28th day of September, 2017.