

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ROBERT D. GILMER, JR.,
a/k/a “BOBBY G.,” and
KOZMIC MEDIA, LLC,
Plaintiffs,

vs.

Case No. 03-1248-JTM

STANLEY BURRELL,
a/k/a MC HAMMER, and
STANLEY BURRELL,
d/b/a WORLDHIT MUSIC GROUP,
d/b/a MC HAMMER,
Defendants.

MEMORANDUM AND ORDER

Plaintiffs and judgment creditors have moved for judgment against garnishees DanceJam, Inc., and DanceJam.com for the amount stated in their previous judgment (\$409,000.00), pursuant to Fed.R.Civ.Pr. 69(a) and K.S.A. 60-741. The plaintiffs make specific factual allegations in support of their motion (Dkt. No. 59, at ¶ 1-6), none of which have been challenged by the garnishees. Those facts are adopted by the court and incorporated herein.

Rule 69(a) directs the court to state procedures for execution in aid of a judgment. The Rule states:

Process to enforce a judgment for the payment of money shall be by writ of execution unless the court directs otherwise. The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the state in which

the district court is held, existing at the time the remedy is sought, except that any statute of the United States governs to the extent that it is applicable.

Kansas law provides:

If the garnishee fails to answer within the time and manner specified in the order of garnishment . . . the court may grant judgment against the garnishee for the amount of the judgment creditor's judgment or for such other amount as the Court deems reasonable and proper, and for the expenses and attorney fees of the judgment creditor.

K.S.A. 60-741.

Here the garnishees have filed no response to the plaintiffs' motion. For good cause shown and pursuant to D.Kan.Rule 7.4, the plaintiffs' motion is granted.

IT IS ACCORDINGLY ORDERED this 16th day of September, 2008, that the plaintiffs' Motion for Judgment (Dkt. No. 59) is hereby granted, and judgment will be entered against garnishees DanceJam, Inc., and DanceJam.com in the amount of \$409,000.00 (the principal amount of the prior judgment against the defendants); for \$147,751.00 as post-judgment interest accrued from the date of judgment to April 6, 2008; for additional post-judgment interest in an appropriate amount accruing after April 6, 2008; and for the reasonable expenses and attorney fees of the plaintiff. Plaintiff shall submit information as to such additional post-interest judgment within 15 days of the date of this Order.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE