

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EDWARD T. SAADI,

Plaintiff,

v.

Case No. 8:07-cv-1976-T-24 MAP

PIERRE A. MAROUN,

Defendant.

ORDER

The Court now considers Plaintiff Edward Saadi's objection to the Magistrate Judge's order denying the motion to enforce judgment. (Doc. 268.)

Saadi raises two issues in his objection. First, Saadi challenges the Magistrate Judge's jurisdiction to decide the motion. Second, Saadi argues that Magistrate Judge's order on the merits was "clearly erroneous" or "contrary to law" because the Magistrate Judge had no discretion under Florida law to deny the motion. Fed. R. Civ. P. 72(a).

I. Magistrate Judge Had Authority to Rule on Saadi's Motion

Federal law provides that a "magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States." 28 U.S.C. § 636(b)(3). Pursuant to this statute, Local Rule 6.01(c)(19) of the Middle District of Florida authorizes Magistrate Judges to "[c]onduct all proceedings in civil suits, before or after judgment, incident to the issuance of writs of replevin, garnishment, attachment or execution . . . and the entry of all necessary orders in aid of execution pursuant to Rule 69, Fed. R. Civ. P." Under this rule, the

Court referred Saadi's motion to the Magistrate Judge.

Under the Federal Magistrate Act, a magistrate judge has no authority to issue a final and binding order on a dispositive motion. Williams v. McNeil, 557 F.3d 1287, 1291 (11th Cir. 2009). However, a magistrate judge may exercise final authority over non-dispositive motions and all pre-trial matters, except those certain dispositive motions specified in 28 U.S.C. § 636(b)(1)(A). Although the Court can assign the Magistrate Judge "additional duties" not listed in the statute, the Court cannot grant a magistrate judge final authority over a dispositive order. Mathew v. Weber, 423 U.S. 261 (1976).

"[S]upervision of the collection efforts of a judgment creditor is precisely the kind of judicial activity that Congress contemplated when it adopted the 'additional duties' clause." Bache Halsey Stuart Shields, Inc. v. Killop, 589 F. Supp. 390, 393 (E.D. Mich. 1984). "Efforts undertaken by the Magistrate in furtherance of effectuating the judgment result in considerable savings of the court's time, without impinging upon the responsibility of the district judge. . . ." Id.

In this case, the Magistrate Judge is not deciding a case or controversy, or assuming a responsibility reserved to district judges under Article III of the Constitution. The District Court has already decided the controversy in this case. Here, the Magistrate Judge is simply enforcing the judgment rendered by the District Court.

Saadi claims that the Magistrate Judge decided a dispositive motion because his order, if issued by the District Court, would be a final order appealable under 28 U.S.C. § 1291.¹ The

¹ Local Rule 6.01(c)(18) also provides that a magistrate judge may not "enter any other final order or judgment that would be appealable if entered by a judge of the Court. . . ."

Saadi cites to cases from different circuits, which do not bind this Court, and which the Court does not find persuasive since the cited decisions involve competing claims among creditors for interest in property.

Court does not agree. “Orders relating to the enforcement, execution, or interpretation of a final judgment ordinarily should be final upon *complete* disposition of *all present related issues*.” 15B Wright, Miller & Cooper Fed. Prac. & Proc. § 3916 (3d ed. 2009) (emphasis added).² In this case, the Magistrate Judge denied Saadi’s motion because he found the motion *premature* based on the lack of post-judgment discovery and the return of the writ of execution unexecuted. Therefore, the Magistrate Judge did not foreclose the possibility that he would grant Saadi relief once Saadi took some additional steps.³

II. Magistrate Judge’s Ruling Was Not “Clearly Erroneous”

After a civil jury trial in this case, the Court directed entry of a \$90,000 judgment against Defendant Pierre Maroun and in favor of Plaintiff Edward Saadi. Saadi then filed a motion asking the Court to direct an assignment of Maroun’s interest in a limited liability corporation, Maroun’s International, LLC, which provided consulting and translation services and was also a defendant in the civil lawsuit.⁴

Maroun was the sole employee of the limited liability corporation, and, according to Saadi, solely owned the company. Saadi’s attorney stated at the hearing before the Magistrate Judge that Saadi does not know if Maroun’s interest in the company would be worth any money. In fact, Saadi’s attorney stated that, in all likelihood, Saadi would be the only person likely to

² See also Vermandel v. Gray, 772 F.2d 738, 739 (11th Cir. 1985) (finding, based on state law, that a court order directing a bank as a garnishee to pay judgment owned to defendant was a final order for purposes of appeal).

³ Although the Magistrate Judge issued an endorsed order, he explained his concerns during a hearing on the motion on January 19, 2010. (Doc. 265.) The Court listened to an audio recording of the hearing and determined the basis for the Magistrate Judge’s ruling, in part, from the Magistrate Judge’s comments and questions at the hearing.

⁴ During trial, the Court entered a judgment as a matter of law in favor of Maroun’s International, LLC. (Doc. 221.)

buy Maroun's interest in the company. Therefore, Saadi's relief would not bring him any bit of the \$90,000 judgment, but, in all likelihood, would cost him money.

For these reasons, the Magistrate Judge found that Saadi's motion was futile and would waste the Court's resources. Actions under Rule 69 exist to enforce a judgment, not to exact revenge. If the action sought by Saadi will not result in any payment of the money judgment, then the action serves no purpose. Therefore, the Court finds the Magistrate Judge's order, exercised under the Court's equitable powers, was neither "clearly erroneous" nor "contrary to law."⁵

Accordingly, Saadi's Objection (Doc. 269) is **OVERRULED**, and the Magistrate Judge's Order (Doc. 267) is **APPROVED**.

SO ORDERED in Tampa, Florida on February 5, 2010.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
Counsel of Record
The Honorable Mark A. Pizzo, United States Magistrate Judge

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⁵ Saadi has not convinced the Court that the one-paragraph, per curiam opinion in Biloxi Casino Corporation v. Wolf, 900 So. 2d 734 (Fla. 4th DCA 2005) requires a federal court to act unreasonably in this case.