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U.S. District Court

Southern District of Florida

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The following transaction was entered by Gonzalez, Dennis on 7/31/2024 at 6:43 PM EDT and filed on 7/31/2024

Case Name: Birmingham et al v. Rofx.net et al

Case Number: [1:21-cv-23472-RNS](#)

Filer: Steven Hansen
Roman Leonov
Jonathan Zarley

WARNING: CASE CLOSED on 03/08/2024

Document Number: [263](#)

Docket Text:

[MOTION for Judgment in Garnishment Against Bank of America, N.A. by Steven Hansen, Roman Leonov, Jonathan Zarley. \(Attachments: # \(1\) Text of Proposed Order Proposed Final Judgment in Garnishment\)\(Gonzalez, Dennis\)](#)

1:21-cv-23472-RNS Notice has been electronically mailed to:

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Haeundae-gu,
South Korea

Auro Advantages, LLC
251 Little Falls Drive
Wilmington, DE 19808

Easy Com, LLC
155 Fleet St.
Portsmouth, NH 03801

Global E-Advantages LLC
55 14th Avenue
North Tonawanda, NY 14120

Grovec, LLC
717 N. Union St. Suite 45
Wilmington, DE 19805

Mayon Solutions Ltd
207 Regent Street
3rd Floor
London, W1B3HH
UK

Mayon Solutions, LLC
159 Main Street
Unit 100
Nashua, NH 03060

Notus, LLC
3801 East Florida Avenue
Suite 400
Denver, CO 80210

Profit Media Group LP
4 Queen Street
Suite 1
Edinburgh, EH21JE
UK

Shopostar, LLC
7887 E. Belleview Ave. Suite 3300
Miami, FL 33131

Trans-Konsalt MR Ltd.
ul. Lyuben Karavelov 28
1142 Sofia Center
Sofia,
Bulgaria

Boonruk Ruamkit Co., Ltd. (Terminated)
c/o Nattpemol Krinara
131/5 Montri Rd.
Tai Chang, Mueng,
Phang-NGA, 82000
Thailand

IT Outsourcing Co., Ltd. (Terminated)
c/o Nattpemol Krinara
520/3 Mu 3
Bang Non Sub District
Mueng Ramong District,
Ramong, 85000
Thailand

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1321 Upland Dr. PMB 4787
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Document description:Text of Proposed Order Proposed Final Judgment in Garnishment

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[STAMP dcecfStamp_ID=1105629215 [Date=7/31/2024] [FileNumber=24641452-1] [21bb3575dbc29e280b0552f23eff61385e0f50db28edb448fa73e49446cf5d97421a57084811c9bed37de45061a241057ba521eec5a2843e039e560be0cdcfd8]]

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

RYAN BIRMINGHAM, ROMAN LEONOV,
STEVEN HANSEN, MITCHELL PARENT, and
JONATHAN ZARLEY,

Case No. 21-CV-23472-RNS

Plaintiffs,

v.

ALEX DOE, *et al.*,

Defendants,

and

Bank of America, N.A.,

Garnishee.

**PLAINTIFFS/JUDGMENT CREDITORS’
MOTION FOR ENTRY OF FINAL GARNISHMENT JUDGMENT AGAINST
GARNISHEE BANK OF AMERICA, N.A.**

Plaintiffs/Judgment Creditors Roman Leonov, Steven Hansen, and Jonathan Zarley (“Judgment Creditors”), by and through undersigned counsel and pursuant to Florida Statute § 77.083, hereby file the instant Motion for Entry of Garnishment Judgment against Garnishee Bank of America, N.A. and in support thereof, state as follows:

1. On March 8, 2024, the Court entered a Final Default Judgment in favor of Judgment Creditors and against Defendant/Judgment Debtor ShopoStar, LLC (“ShopoStar”) totaling \$1,116,000.00. *See* ECF No. 253 (the “Final Judgment”).

2. On April 23, 2024, Judgment Creditors filed a Motion for Writ of Garnishment, requesting that the Clerk of Court issue a Writ of Garnishment directed to Bank of America, N.A. (“Garnishee”). *See* ECF No. 254 (the “Garnishment Motion”). The Clerk of Court issued

the Writ of Garnishment the following day [ECF No. 255, the “Writ”], and on April 30, 2024, Judgment Creditors served the Garnishment Motion and Writ on Shopostar [ECF No. 256] as required by Florida Statute section 77.041(2).

3. On May 8, 2024, Garnishee filed its original answer to the Writ [*see* ECF No. 257, “Garnishee’s Answer”], which Garnishee amended on June 3, 2024 [*see* ECF No. 261, “Garnishee’s Amended Answer”]. Garnishee’s Amended Answer identifies two accounts (ending in 1507 and 5526) that it holds in the name of Shopostar with \$68,320.71 and \$4,457.12, respectively. *Id.* ¶¶ 1–1(a). In sum, Garnishee holds \$72,777.83 of funds in the name of Shopostar (the “Garnished Funds”). *See id.*¹

4. On June 3, 2024, Judgment Creditors mailed both the Garnishee’s Answer and Garnishee’s Amended Answer to Shopostar’s registered agent, and provided Shopostar with the statutory notice required by Florida Statute section 77.055. ECF No. 262 (the “Statutory Notice”). Accordingly, Shopostar had twenty (20) days from the Statutory Notice to move to dissolve the garnishment, or until June 24, 2024. *See* FLA. STAT. § 77.07(2). As of the time of this Motion, Shopostar has failed to assert any exemptions or defenses to the Writ and its deadline to do so has passed; therefore, “the proceedings shall be in a default posture as to the party involved”. *Id.*

5. As a result, pursuant to Florida Statutes section 77.083, the proceeding is ripe for the Court to enter judgment against Garnishee, and for Judgment Creditors, in the full amount of the Garnished Funds. Nevertheless, to satisfy Garnishee’s demand for payment of the \$100.00

¹ In Garnishee’s Amended Answer, Garnishee noted that it previously set aside the Garnished Funds in response to the Court’s sealed TRO, dated October 7, 2021. *See* ECF No. 261 ¶ 1(a). This TRO is still sealed and has not been assigned a docket number; nevertheless, pursuant to Fed. R. Civ. P. 65(b)(2), the Court ordered that the TRO would expire fourteen (14) days after its issuance unless extended by the Court. The Court never extended the TRO, meaning it has expired and is of no further force and effect. Instead, the operative document governing the Garnished Funds is the Writ, and any subsequent Orders of the Court regarding same.

statutory garnishment fee (*see* Garnishee's Amended Answer at 3), Judgment Creditors respectfully request that the Court authorize Garnishee to offset the Garnished Funds by such amount pursuant to Florida Statutes section 77.28.

WHEREFORE, for the foregoing reasons, and pursuant to Florida Statutes section 77.083, Judgment Creditors hereby request that the Court enter a Final Garnishment Judgment Against Garnishee Bank of America, N.A. (in the form substantially similar to the **[Proposed] Final Judgment in Garnishment** attached hereto)².

Dated July 31, 2024

Respectfully submitted,

/s/ Dennis A. González

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New York, New York 10019

Attorneys for Plaintiffs/Judgment Creditors

² Garnishee's counsel has reviewed the language of the Proposed Order, and consents to entry of this Proposed Order as drafted.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about July 31, 2024, a true and accurate copy of PLAINTIFFS/JUDGMENT CREDITORS’ MOTION FOR ENTRY OF FINAL GARNISHMENT JUDGMENT AGAINST GARNISHEE BANK OF AMERICA, N.A., and attached [Proposed] Final Judgment in Garnishment, was served on counsel of record via the CM/ECF system. A copy of the foregoing document was served upon Defendants at the addresses listed below via mail or as otherwise indicated:

Art Sea Group Ltd. Via publication on Plaintiffs’ website	Auro Advantages, LLC Via publication on Plaintiffs’ website
Easy Com, LLC Via publication on Plaintiffs’ website	Marina Garda Via publication on Plaintiffs’ website
Global E-Advantages LLC c/o Registered Agent North West Registered Agent LLC 8 The Green, Suite B, Dover, DE 19901	Grovec, LLC Via publication on Plaintiffs’ website
Ivan Hrechaniuk Via publication on Plaintiffs’ website	Borys Konovalenko Via email to borys.konovalenko@gmail.com
Mayon Solutions Ltd Via email to info@mayon.solutions and sales@mayon.solutions	Mayon Solutions, LLC Via email to Mayon.llc@gmail.com
Notus, LLC Via publication on Plaintiffs’ website	Profit Media Group LP Via publication on Plaintiffs’ website
Shopostar, LLC c/o Registered Agent Colorado Registered Agent LLC 1942 Broadway Street, Suite 314C, Boulder, CO 80302	Olga Tielly Via publication on Plaintiffs’ website
Trans-Konsalt MR Ltd. Via publication on Plaintiffs’ website	

Respectfully submitted,

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: 1:21-cv-23472-RNS

RYAN BIRMINGHAM, ROMAN LEONOV,
STEVEN HANSEN, MITCHELL PARENT, and
JONATHAN ZARLEY,

Case No. 21-CV-23472-RNS

Plaintiffs,

v.

ALEX DOE, *et al.*,

Defendants,

and

BANK OF AMERICA, N.A.,

Garnishee.

_____ /

**[PROPOSED] FINAL JUDGMENT IN GARNISHMENT AGAINST BANK OF
AMERICA, N.A.**

THIS CAUSE came before the Court on Plaintiffs/Judgment Creditors' Motion for Entry of Final Garnishment Judgment Against Garnishee Bank of America, N.A. [ECF No. 263]. (the "Motion"). The Court having considered the Motion and the pertinent portions of the record, and otherwise being duly advised herein, it is hereby:

ORDERED AND ADJUDGED that the Motion is **GRANTED** as follows:

1. This Final Judgment in Garnishment is entered in favor of Judgment Creditors and against Bank of America, N.A. ("Garnishee") for the total amount of Shopostar, LLC's ("Shopostar") funds held by Garnishee, or **\$72,777.83** ("Garnished Funds"), in partial satisfaction of the Final Default Judgment entered in this action against Shopostar [*see* ECF No. 253], for which let execution issue forthwith.

2. Pursuant to § 77.28 Fla. Stat., Garnishee seeks \$100.00 in attorney's fees ("Garnishment Fee") against Judgment Creditors, which pursuant to the statute may be offset by the Garnishee against the Garnished Funds. Accordingly, Garnishee is hereby authorized to subtract its Garnishment Fee from the Garnished Funds, in complete satisfaction of its fees and expenses associated with this matter.
3. Pursuant to the foregoing, Garnishee is directed to pay the remaining balance of the Garnished Funds, or **\$72,677.83**, to Judgment Creditors' counsel within ten (10) business days of the date of this Order in accordance with the following payee information:

Holland & Knight LLP Retainer Account¹
524 Grand Regency Blvd.
Brandon, FL 33510
Phone: 813.901.4200

4. Upon successful delivery and receipt of Garnishee's payment to Judgment Creditors, Garnishee is hereby fully and finally released, discharged and absolved from any and all liability under the Writ [see ECF No. 255] and any preceding Orders from this Court with respect to the Garnished Funds, including the Court's October 7, 2021 Sealed Order Granting in Part *Ex Parte* Emergency Temporary Restraining Order and Setting Hearing which has since expired and is of no further force and effect.
5. The Court reserves jurisdiction to enter further orders that are necessary and proper.

¹ Specific wire instructions will be separately provided to Garnishee's counsel.

DONE and ORDERED in chambers in Miami-Dade County, Florida, on this __ day of August, 2024.

Robert N. Scola, Jr.
United States District Judge