UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RIVER CROSS LAND COMPANY, LLC, a Florida limited liability company,

Plaintiff,
v.

CASE NO.: 6:18-cv-1646-ORL-22-KRS

SEMINOLE COUNTY, a political subdivision of the State of Florida,

Defendant.
_____/

DEFENDANT/JUDGMENT CREDITOR'S RESPONSE IN OPPOSITION TO PLAINTIFF'S TIME-SENSITIVE OPPOSED MOTION FOR PROTECTIVE ORDER [Doc. 117]

Defendant/Judgment-Creditor, Seminole County (the "County"), hereby files its Response in Opposition to Plaintiff/Judgment-Debtor, River Cross Land Company, LLC's ("River Cross") Time-Sensitive Opposed Motion for Protective Order and Unopposed Motion for a Temporary Stay of Discovery Regarding the County's Subpoena to Produce Documents Directed to Truist Bank ("Garnishee") and Plaintiff's Incorporated Memorandum of Law [Doc. 117] (the "Motion for Protective Order"), and states:

INTRODUCTION

On November 22, 2023, the County served its Second Request for Production to Garnishee, Truist Bank, and in response, River Cross filed a Motion for Protective

Order. [Doc. 106]. After briefing from the County and River Cross as to Doc. 106, on February 9, 2024, this Court entered a Supplemental Briefing Order [Doc. 114], directing the parties to provide legal authority for why the County could or could not utilize Rule 34 requests for production to obtain documents from non-party Garnishee, as opposed to via a subpoena served in accordance with Federal Rule of Civil Procedure 45, or for the County to withdraw its Second Request for Production and serve a subpoena on Garnishee. On February 14, 2024, the County withdrew its Second Request for Production to Garnishee [Doc. 115] and served River Cross with a Notice of Intent to Serve Subpoena with the same six requests that were sought in the Second Request for Production. *See* Doc. 117-1. On February 28, 2024, River Cross filed its instant Motion for Protective Order, making substantively the same deficient arguments as previously made in response to the Second Request for Production. In the interests of not duplicating similar arguments previously made, the County hereby incorporates herein by reference its "Introduction" in its Response to Plaintiff's Motion for Protective Order as to the Second Request for Production to Truist [Doc. 109].

River Cross moves for a baseless protective order against the County's Subpoena to Garnishee, Truist Bank (the "Subpoena"), that "forbids the disclosure of discovery" of River Cross' three active members: Christopher Dorworth ("Mr. Dorworth"), his closely-held company, CED Strategies, LLC ("CED Strategies"),

and his wife, Rebekah Hammond Dorworth ("Mrs. Dorworth"). *See* [Doc. 117]. The Motion for Protective Order makes conclusory claims of irrelevancy and confidentiality and assertions that CED Strategies, Mr. Dorworth and Mrs. Dorworth are not debtors of the fee Judgment, and thus, the Subpoena is inappropriate because the County has yet to implead these parties. That is not the law.

At bottom, River Cross' Motion for Protective Order puts the cart before the horse. As shown below, River Cross' Motion for Protective Order should be denied because the Subpoena is relevant and necessary given River Cross' extensive and close relationship with CED Strategies, Mr. Dorworth and Mrs. Dorworth. Second, case law supports that the procedure that the County followed is appropriate; that is, due to their close relationship with River Cross, the County is entitled to discovery to determine whether a showing can be made to implead CED Strategies, Mr. Dorworth and Mrs. Dorworth. Thus, for purposes of collecting on its fee Judgment, the Subpoena is necessary and relevant for the County to determine the extent of financial involvement that CED Strategies, Mr. Dorworth and Mrs. Dorworth has in River Cross and this lawsuit.

FACTUAL BACKGROUND

The County holds a fee Judgment against Debtor River Cross in the amount of $432,198.13 [Doc. 81]. To date, River Cross has not paid one dollar of the fee Judgment. Meanwhile, a review of River Cross' corporate filings, Mr. Dorworth's

testimony in this litigation, and River Cross' bank statements for its account at Truist Bank reveal significant overlap between River Cross and Mr. Dorworth, his wife and his company CED Strategies. The County thus served the Subpoena on Garnishee, Truist Bank, seeking discovery to determine the extent that CED Strategies, Mr. Dorworth or Mrs. Dorworth funded this litigation and River Cross itself and/or to what extent each may be River Cross' successors or alter egos and thus hold any assets that may be subject to execution.

A. Relationship Between River Cross and CED Strategies, Mr. Dorworth and Mrs. Dorworth

Mr. Dorworth owns River Cross. *See* [Doc. 35-3 at 6] (the Deposition of Christopher Dorworth). This Court has found that "River Cross has three active members: Christopher Dorworth, who is the 'sole decisionmaker'; his closely held business, CED Strategies; and his wife, Rebecca Dorworth." [Doc. 77] (citing Doc. 35-3 at 17). Mr. Dorworth asserts that he formed the River Cross entity for the purpose of his proposed River Cross development, which is the subject of this litigation. *Id*. Mr. Dorworth has also set up entities under which he acts as a lobbyist and consultant, including CED Strategies, which is owned and operated by Mr. Dorworth. [Doc. 35-3 at 7]. During his deposition testimony, when asked to describe "who" CED Strategies is, Mr. Dorworth readily admitted: "**Me**. It's just – it's an operating entity I have had for -- since around 2012 or so," explaining "[m]y name is Christopher Erikson Dorworth. It's CED Strategies, just my initials, Strategies."

[Doc. 35-3 at 17-18; 266]. There are no other members of CED Strategies other than Mr. Dorworth and his wife. [Doc. 35-3 at 18].

Public records provide further support that River Cross shares a close relationship with CED Strategies, as these entities were formed by Mr. and Mrs. Dorworth and share the same managing members, places of business, and registered agent address. *See* http://search.sunbiz.org/ and Composite Exhibit A. CED Strategies and Mr. Dorworth currently act as managers of River Cross. CED Strategies is the registered agent of River Cross. Mr. Dorworth and Mrs. Dorworth are the managers of CED Strategies, with Mr. Dorworth also acting as its registered agent. River Cross and CED Strategies both list their principal address, mailing address and registered agent address as 1520 Whitstable Court, Lake Mary, FL 32746. Mr. Dorworth and Mrs. Dorworth own the property at 1520 Whitstable Court, Lake Mary, FL 32746, a single-family residence, as tenants by the entirety. *See id.* and *https://scpafl.org/RealPropertySearch*. A summary of River Cross' overlap with CED Strategies, Mr. Dorworth and Mrs. Dorworth since the lawsuit was filed to present, according to the records at Composite Exhibit A, is below:

	River Cross Land Company, LLC	CED Strategies, LLC
Principals	(1) Christopher Dorworth (2) CED Strategies (3) Rebekah Dorworth [*2019 only*]	(1) Christopher Dorworth (2) Rebekah Dorworth
Place of Business	1520 Whitstable Court, Lake Mary, FL 32746	1520 Whitstable Court, Lake Mary, FL 32746

	River Cross Land Company, LLC	CED Strategies, LLC
	[*Single-family residence owned by Mr. and Mrs. Dorworth*]	[*Single-family residence owned by Mr. and Mrs. Dorworth*]
Registered Agent	CED Strategies, LLC 1520 Whitstable Court, Lake Mary, FL 32746 [*Single-family residence owned by Mr. and Mrs. Dorworth*]	Christopher Dorworth 1520 Whitstable Court, Lake Mary, FL 32746 [*Single-family residence owned by Mr. and Mrs. Dorworth*]

B. Funding of River Cross by Mr. Dorworth, CED Strategies and Mrs. Dorworth

In addition to the significant overlap between the parties, the documents produced by Garnishee as to River Cross' Truist Bank Account No. ending in **5019 (the "River Cross Account") prompted the Subpoena over which River Cross seeks protection. First, Dorworth, through the use of CED Strategies, made substantial payments from its account at Truist Bank ending in **0468 (the "CED Account") which primarily funded the River Cross litigation from February 2018 to present. *See* Composite Exhibit B.

Notably, the bank records show that the River Cross Account had $0 prior to February 9, 2019, when the CED Account transferred funds in the amount of $500,000.00. The dates of the remaining payments are not random to the issues underlying this litigation. On May 1, 2018, River Cross filed its application for amendment to remove the Rural Boundary Line subject to its FHA claims in this

lawsuit. [Doc. 35 at 4]. On May 24, 2018, the County's Development Review Committee provided River Cross with comments on River Cross' application. *Id*. That same date, the CED Account transferred $50,000.00 to the River Cross Account. *See* Composite Exhibit B.

On August 8, 2018, the CED Account transferred another $50,000.00 to the River Cross Account. On August 14, 2018, the Seminole County Board of County Commissioners denied River Cross' application, the subject of its FHA claims in this lawsuit. [Doc. 35 at 4-7]. On August 15, 2018, the River Cross Account withdrew the remaining money. *See* Composite Exhibit B. Until December 6, 2021, the River Cross Account had a total of $570.00. However, on December 7, 2021, the CED Account transferred $14,383.00 to the River Cross Account. Not-so-coincidentally, that provided River Cross with just enough funds to pay the taxable costs this Court found it owed to the County on December 29, 2021 for $14,646.08. *See* Composite Exhibit B. A summary of the transfers of money according to the bank records contained in Composite Exhibit B, is below:

Date	**Payment/Event**
02/09/2018	$500,000.00 transferred from CED Account to River Cross Account
05/01/2018	River Cross applied to County for an amendment to the County Charter
05/24/2018	The Development Review Committee provided River Cross with its comments on River Cross' application
05/24/2018	$50,000.00 transferred from CED Account to River Cross Account
05/30/2018	River Cross applied for development of property

Date	Payment/Event
08/08/2018	$50,000.00 transferred from CED Account to River Cross Account
08/14/2018	River Cross application is denied
08/15/2018	Nearly all funds withdrawn from River Cross Account
12/06/2021	$570.00 remaining in River Cross Account
12/07/2021	$14,383.00 transferred from CED Account to River Cross Account
12/29/2021	$14,646.08 paid to the County for Taxable Cost judgment
12/31/2021	$306.42 remaining in River Cross Account

C. Payment of River Cross' Attorneys' Fees in this Frivolous Lawsuit

Documents produced by River Cross in response to the County's discovery in aid of execution (Bates Nos. RC-2023 00141–00151) reflect that Mr. Dorworth, Mrs. Dorworth and CED Strategies paid River Cross' attorneys' fees throughout this litigation from their respective Truist Bank accounts. Specifically, CED Strategies made attorneys' fees payments from the CED Account, discussed *infra*, and Mr. and Mrs. Dorworth made payments from what appears to be a joint account held with Truist Bank ending in **6030 (the "Dorworth Account"). *See* Composite Exhibit C. A summary of the attorneys' fees payments contained in the records in Composite Exhibit C, is below:

Date	Amount	Payor
03/11/2019	$42,014.51	Dorworth Account
10/14/2019	$1,396.99	CED Account
10/14/2019	$18,434.60	CED Account
12/16/2019	$91,863.73	CED Account
02/26/2020	$38,574.89	CED Account
06/09/2020	$36,000.00	CED Account
12/30/2020	$2,234.50	CED Account

Date	Amount	Payor
06/23/2021	$13,482.88	CED Account
08/19/2021	$25,096.38	Dorworth Account
12/08/2021	$1,530.00	CED Account
12/08/2021	$26,464.25	CED Account
02/09/2022	$7,073.19	CED Account
09/22/2022	$9,895.22	Dorworth Account

The County cannot deduce a full picture of CED Strategies' and the Dorworths' involvement from bank records of the River Cross Account alone, especially where it is unclear if the Dorworth Account may have been funding the transfers made from the CED Account to River Cross. As discussed below, the transfers and attorneys' fees payments at issue establish the requisite close link and good reason to warrant discovery of the CED Account and the Dorworth Account to determine if the County may be entitled to execute the Fee judgment against CED Strategies, Mr. Dorworth and/or Mrs. Dorworth.

ARGUMENT

Upon a showing of good cause, a court may enter a protective order "to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense." Fed. R. Civ. P. Rule 26(c)(1). "However, the party seeking the protective order has the burden to demonstrate good cause and must make a particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements in favor of the protective order." *Bozo v. Bozo*, No. 12-cv-24174, 2013 WL 12128680 (S.D. Fla. Aug. 16, 2013); *see also, U.S. v. S. Capital Construction,*

Inc., 2018 WL 7017412, at *2 (M.D. Fla. Sep. 24, 2018) (finding that where a post-judgment discovery request appears relevant on its face, the objecting party has the burden to show that the requested discovery is not relevant to the moving party's interest in collecting on a judgment). "In addition to showing good cause, the moving party must show that, on balance, its interest in seeking the protective order outweighs the interests of the opposing party." *Dozier v. DBI Services, LLC*, Case 3:18-cv-972, 2023 WL 5510344, at *5 (M.D. Fla. Aug. 25, 2023).

I. RIVER CROSS FAILS TO MEET ITS BURDEN FOR A PROTECTIVE ORDER

River Cross makes four assertions to support this Court entering a protective order over the disclosure of documents sought in the Subpoena relating to the CED Account and Dorworth Account: (1) the Subpoena is irrelevant because CED Strategies, Mr. Dorworth and Mrs. Dorworth are not debtors of the fee Judgment; (2) the Subpoena is overbroad and not proportional to the needs of the case because it is not limited to transactions with River Cross and because River Cross and Garnishee have already produced documents relating to River Cross; (3) the Subpoena is inappropriate because the County has yet to bring any claims to implead or pierce the corporate veil to reach CED Strategies or Mr. and Mrs. Dorworth; and (4) Mr. and Mrs. Dorworth have a constitutional right to privacy in their financial records. At bottom, all of River Cross' arguments are invalid as a matter of law.

In its Motion for Protective Order, River Cross relies solely on Rule 26 to assert its purported standing to move for a protective order seeking irrelevant information. *See* Motion at pg. 8, § IV (A). Put differently, River Cross does not seek to quash the Subpoena pursuant to Federal Rule of Civil Procedure 45. Therefore, this Court's analysis as to whether good cause exists for a protective order must travel under Rule 26(c). *See Auto-Owners Ins. Co. v. Southeast Floating Docks, Inc.*, 231 F.R.D. 426, 429-430 (M.D. Fla. 2005) (finding that where a party's motion for protection is under Rule 26, the Court's analysis differs than for a motion to quash under Rule 45). As a party, River Cross has standing to move for a protective order if the subpoena seeks irrelevant information. *See id*. at 429. As explained below in Section II(A), because the Subpoena is relevant, River Cross lacks standing to move for a protective order, and its Motion for Protective Order should be denied.

A. River Cross fails to support its argument as to irrelevancy

The first argument River Cross makes, and the main premise underlying its Motion, is that the Subpoena is inappropriate to the extent it requests documents from third parties who are not judgment debtors in this action. That premise is incorrect and must be rejected. Throughout its Motion for Protective Order, River Cross misplaces its reliance on case law dealing with *pre-judgment* discovery rather than *post-judgment* discovery, such as the Subpoena. Florida has repeatedly noted the distinction between prejudgment and post-judgment discovery: "In the

prejudgment context, a party is entitled only to the opponent's financial records that pertain to the pending action," but "in postjudgment discovery, the dispute in the original civil action has been resolved and, therefore the matters relevant for discovery are those that will enable the judgment creditor to collect the debt." *2245 Venetian Court Bldg. 4, Inc. v. Harrison*, 149 So. 3d 1176, 1179 (Fla. 2d DCA 2014) (internal quotations omitted). "The scope of post-judgment discovery is broad; the judgment creditor must be given the freedom to make a broad inquiry to discover hidden or concealed assets of the judgment debtor." *Frenkel v. Acunto*, No. 11-62422-CIV, 2014 WL 4680738, at *5 (S.D. Fla. Sep. 19, 2014).

Consistent with this distinction, Rule 69(a) of the Federal Rules of Civil Procedure provides guidance for discovery in aid of execution, and allows a creditor to obtain "discovery from ***any person***, including the judgment debtor, in the manner provided in these rules or in the manner provided by the practice of the state in which the district court is held." (emphasis added). "Under [Rule 69(a)], discovery may be had of the judgment debtor or third persons without separate suit and, if discovery is pursued under the federal rules ... all the discovery devices of the Rules may be used as in the progress of the action." *Democratic Rep. of Congo v. Air Capital Group, LLC*, No. 12-CIV-20607, 2018 WL 324976, at *2 (S.D. Fla. Jan. 8, 2018).

Thus, "a nonparty may be subject to postjudgment discovery where the judgment creditor can provide a good reason and close link between the unrelated

entity and the judgment debtor." *Matter of Bavelis*, 2020 WL 4003496, at *2 (S.D. Fla. July 15, 2020) (citing *2245 Venetian Court*, 149 So. 3d at 1179). Furthermore, "it should be beyond question that a judgment creditor is allowed to ask a judgment debtor for asset and financial information relating to the debtor's spouse or other family members." *Id*.

River Cross does not deny that it has yet to pay the fee Judgment or that it has a close relationship with CED Strategies and Mr. and Mrs. Dorworth. As set forth in the "Factual Background" section above, both River Cross and CED Strategies are companies that were formed and run by Mr. Dorworth. Both companies have at least one principal member in common (Mr. Dorworth), and at other times such as 2019, had two principal members in common (Mr. and Mrs. Dorworth). CED Strategies is the registered agent of River Cross, and Mr. Dorworth is the registered agent of CED Strategies. Both River Cross and CED Strategies share the same principal place of business, which is the single-family residence owned by Mr. and Mrs. Dorworth as joint tenants in common. Such overlap is certainly indicative of a theory of alter ego relationships for purposes of post-judgment discovery.

Courts have found facts such as these to be sufficient to establish the necessity and relevance of discovery in aid of execution from other non-debtor parties. *See Democratic Republic of Congo,* 2018 WL 324976 at *3 (finding non-parties and debtors shared a close relationship entitling creditors to discovery because they

shared the same principals, places of business and registered agents); *see also*, *Frenkel*, 2014 WL 4680738, at *5 (finding, among other things, common management and ownership between the debtors and non-parties was justification for discovery of non-parties' financial documents); *2245 Venetian Court*, 149 So. 3d 1176 (finding a link between debtor and non-parties was established where public records reflected that judgment debtor had been an officer of some of the non-party related entities and the non-party entities shared a managing member and mailing address); *Bozo v. Bozo*, 2013 WL 12128680 at *3 (finding discovery on debtor's spouse and daughters relevant given the close relationship of the non-parties and the number of corporate entities the debtor is involved in); and *Dozier v. DBI Services, LLC*, Case 3:18-cv-972, 2023 WL 5510344 (M.D. Fla. Aug. 25, 2023) (finding a sufficient "close link" was established where the individual non-party subject to post-judgment subpoena was an equity owner and controlled the debtor entity during the pendency of the action and during a time where assets were transferred out of the debtor entity).

The County has similarly demonstrated facts showing a similarly close relationship between River Cross and CED Strategies, Mr. Dorworth and Mrs. Dorworth to support the relevancy and necessity of the Subpoena. As discussed above, while Mr. Dorworth now attempts to hide behind River Cross as his corporate shield, he touted himself as the sole decision-maker of River Cross during his

deposition in this lawsuit. Furthermore, the documents attached as Composite Exhibit C give rise to suspicions that CED Strategies and Mr. and Mrs. Dorworth funded the vexatious litigation. The items requested within the Subpoena relating to these accounts, such as signature cards, account applications and documents designating signatories or authorized users, are relevant to determine who had control and authority to authorize payments that went towards funding this litigation. And the requests relating to the transfers and use of the accounts, such as bank statements, deposit slips and incoming and outgoing wires, is relevant to determine the extent of involvement that CED Strategies, Mr. Dorworth and Mrs. Dorworth had in the litigation. Furthermore, because the Subpoena is relevant and necessary, Plaintiffs lack standing to seek a protective order over the Subpoena under Federal Rule 26. *See Auto-Owners Ins. Co.*, 231 F.R.D. at 429 (finding a party has standing to move for a protective order if the subpoena to a non-party seeks irrelevant information). Accordingly, this Court should deny the Motion for Protective Order.

B. River Cross fails to demonstrate the Subpoena is overbroad

River Cross also argues that the Subpoena is not relevant and necessary, but rather, is overbroad and not proportional to the needs of the case, because the Subpoena is not limited to transactions with River Cross and because River Cross and Garnishee have already produced documents relating to River Cross. The Southern District of Florida rejected these exact arguments in *Matter of Bavelis*,

2020 WL 4003496, at *2 (S.D. Fla. July 15, 2020). In *Bavelis*, the debtor moved for a protective order where the creditor sought financial records from "Target Bank Accounts," which were all accounts receiving transfers that were owned by the debtor's wife or a company wholly-owned by debtor's wife. *Id*. at *1. Like here, the debtor objected to the breadth of discovery because the documents did not focus on specific transactions with the debtor, the debtor had already provided information as to the one entity that he had ownership of with his wife ("FZA"), and only his non-debtor wife had ownership in the Target Bank Accounts. The Court found the creditor was entitled to financial documents of all Target Bank Accounts:

> Plaintiff has articulated a reasonable suspicion that at least some of the funds flowing from FZA to the Target Accounts are actually for [Defendant's] personal benefit. Plaintiff cannot sufficiently investigate this possibility by limiting its discovery to information about the specific transactions from FZA to the Target Accounts, as [Defendant] suggests. Rather, Plaintiff must be able to examine the broader use and nature of the Target Accounts in order to determine how they (and the funds from FZA) are actually used.

Id. (citing *Lane Services, Inc.*, 148 F.R.D. 662, 663 (M.D. Fla. April 9, 1993) (allowing discovery request to include minute books, payroll records ... and corporate tax returns); *see also*, *Democratic Republic of Congo*, 2018 WL 324976, at *1 (allowing discovery request to include, for a four-year period, corporate tax returns, financial statements, bank statements, and evidence of transfers of real or personal property).

Hence, where the County has made a requisite showing of a close link between River Cross and the third parties whose financial documents are subject to the Subpoena, the subject requests are not overbroad just because they go beyond transactions relating specifically to River Cross. And while River Cross blanketly claims the Subpoena are overbroad, it fails to make a particular and specific demonstration of fact that the requests are so unreasonable to merit a protective order. In fact, the Subpoena served is limited to the Garnishee's bank records relating to the specific two accounts that funded River Cross' litigation: one held by CED Strategies (CED Account **0468) and one held by Mr. Dorworth and Mrs. Dorworth (Dorworth Account **6030). Therefore, River Cross' argument fails. *See Bozo*, 2013 WL 12128680 at *3 (citing *Auto-Owners Ins. Co. v. Southeast Floating Docks, Inc.*, 231 F.R.D. 426, 429-430 (M.D. Fla. 2005) (finding that the objecting party must make a "particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements")); *see also*, *U.S. v. S. Capital Construction, Inc.*, 2018 WL 7017412, at *2 (M.D. Fla. Sep. 24, 2018) (finding that where a post-judgment discovery request appears relevant on its face, the objecting party has the burden to show that the requested discovery is not relevant to the moving party's interest in collecting on a judgment).

C. River Cross' assertions that the County must bring claims to implead or for piercing the corporate veil prior to obtaining discovery fails

Devoid of any case law, River Cross also moves for a protective order over the Subpoena because the County has yet to bring claims to pierce River Cross' corporate veil to hold CED Strategies, Mr. Dowling or Mrs. Dowling liable for the fee Judgment. This argument is wholly misplaced and has been explicitly rebutted by this Middle District of Florida:

> **As an initial matter, to the extent DCS objects to the subpoena on the grounds that Plaintiff will not ultimately prevail on a successor in interest or alternate ego theory–that argument is misplaced. At this stage, the Court must simply determine whether the information requested is discoverable, not whether the assets of DCS may actually be levied to pay the judgment against DBi.** Furthermore, as the court in *Lane Services, Inc*., reasoned, a creditor "can hardly be expected to make the prima facie showing required to implead [the nonparties in supplementary proceedings] before having access to discovery which would allow them to determine if such a showing can be made." *Lane Services, Inc*., 148 F.R.D. at 664.

See Dozier v. DBI Services, LLC 2023 WL 5510344, at *6 (emphasis added) (certain internal citations omitted). In *Lane Services, Inc.*, this Middle District of Florida also fully analyzed this issue and came to the same conclusion:

> The Court finds the proper procedure [is]: Plaintiffs may seek to obtain discovery from [third parties] pursuant to either Rule 69(a), FRCP, or Rule 1.560, Florida Rules of Civil Procedure, to determine whether they hold property belonging to Defendant. Subsequently, they may move to implead [the third parties], if appropriate.

148 F.R.D. at 663-664 (internal quotations and citations omitted); *see also*, *Democratic Republic of Congo,* 2018 WL 324976 at *3 ("…creditors can hardly be expected to make the prima facie showing required to implead the nonparties in supplementary proceedings before having access to discovery which would allow them to determine if such a showing can be made"). Accordingly, River Cross' argument is not supported by applicable law and should be rejected.

D. River Cross fails to show that Mr. and Mrs. Dorworth's confidentiality interest outweighs the County's interests under the Subpoena

While River Cross asserts the requested items in the Subpoena as to Mr. and Mrs. Dorworth are confidential, "that argument rings hollow because [River Cross] failed to offer any specifics aside from conclusory assertions." *See Democratic Republic of Congo,* 2018 WL 324976 at *3 (citing *Eastwood Enterprises, LLC v. Farha*, No. 8:07-CV-1940, 2010 WL 11508180, at *3 (M.D. Fla. Apr. 26, 2010) (denying a motion to quash a non-party subpoena based on confidentiality and privilege concerns where the movant simply asserted that the subpoena requires disclosure of confidential information). Furthermore, while Florida does recognize an individual's legitimate expectation of privacy in financial institution records, "Florida's constitutional and statutory protection of personal financial and banking records is not absolute." *Frenkel*, 2014 WL 4680738, at *5. Indeed "[a] party's finances, if relevant to the disputed issues underlying the action, are not excepted

from discovery." *Id*. (allowing post-judgment discovery of non-parties' financial information despite the non-parties' constitutional right to privacy). In fact, the general rule in Florida is that personal financial information is ordinarily discoverable in aid of execution after judgment has been entered. *See, e.g., Friedman v. Heart Institute of Port St. Lucie*, 863 So. 2d 189 (Fla. 2003).

River Cross has failed to show that Mr. and Mrs. Dorworth's confidentiality interests outweigh the County's interest to obtain information via the Subpoena to collect on its fee Judgment. *See Dozier*, 2023 WL 5510344, at *5 ("In addition to showing good cause, the moving party must show that, on balance, its interest in seeking the protective order outweighs the interests of the opposing party.") Therefore, without specific factual support, River Cross' argument fails.

ATTORNEYS' FEES

The County has retained counsel to aid in the execution of this judgment and is obligated to pay them a reasonable fee for their services. The County is entitled to an award of its attorneys' fees and costs related to defending against the Motion for Protective Order, pursuant to Federal Rule 26(c)(3)[1] and Section 57.115(1), Florida Statutes.[2]

[1] F.R.C.P. 26(c)(3) ("*Awarding Expenses.* Rule 37(a)(5) applies to the award of expenses.") (Emphasis in original).

[2] § 57.115(1) ("[t]he court may award against a judgment debtor reasonable costs and attorney's fees incurred thereafter by a judgment creditor in connection with execution of a judgment").

CONCLUSION

In sum, the County has sufficiently established that there is a close link between River Cross and CED Strategies and Mr. Dorworth and Mrs. Dorworth to support the Subpoena. River Cross has failed to demonstrate good cause in favor of a protective order over the Subpoena, that the requested discovery is not relevant to the County's interest in collecting its fee Judgment or that River Cross' interests in seeking the protective order outweighs the County's interest in collecting the fee Judgment. Therefore, the County respectfully requests that this Court enter an order denying the Motion for Protective Order, requiring Garnishee to respond to the Subpoena, award the County its attorneys' fees and costs and grant any further relief deemed just.

Dated: March 12, 2024

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