

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TONY W. STRICKLAND,

Plaintiff,

vs.

RICHARD T. ALEXANDER,
Clerk of Court of the State Court
of Gwinnett County, Georgia,

Defendant.

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CIVIL ACTION FILE
NO. 1:12-cv-02735-MHS

SECOND AMENDED JUDGMENT

This action having come before the court, Honorable Marvin H. Shoob, Senior United States District Judge, for consideration of the parties' cross-motions for summary judgment, and the court having denied defendant's motion for summary judgment and granted plaintiff's motion for summary judgment, it is

Ordered and Adjudged that judgment be entered in favor of Plaintiff and against Defendant Richard T. Alexander, Clerk of Court of the State Court of Gwinnett County, Georgia. The Court DECLARES that Georgia's post-judgment garnishment statute, O.C.G.A. § 18-4-60 et seq., as applied to garnishment actions filed against a financial institution holding a judgment debtor's property under a deposit agreement or account, is unconstitutional. The Court ENJOINS defendant Alexander from issuing any summons of garnishment in garnishment actions filed against a financial institution holding a judgment debtor's property under a deposit agreement or account pursuant to the existing forms and procedures insofar as they are inconsistent with this decision. This declaratory judgment and injunction do not apply to continuing wage garnishments filed against a judgment debtor's employer pursuant to O.C.G.A. §§ 18-4-110 et seq. and 18-4-130 et seq. This declaratory judgment and injunction also do not apply to garnishment actions seeking to garnish the funds of debtors that are LLCs, corporations, or other non individual institutions. This action be, and the same hereby is **dismissed**.

Second Amended Judgment
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Dated at Atlanta, Georgia this 10th day of November, 2015.

JAMES N. HATTEN
CLERK OF COURT

By: *s/Amanda Querrard*
Deputy Clerk

Prepared, Filed and Entered
in the Clerk's Office
November 10, 2015
James N. Hatten
Clerk of Court

By: *s/Amanda Querrard*
Deputy Clerk