

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LUDMYLA CARLBORG,

Plaintiff,

v.

ERNEST F. TOMPKINS,

Defendant,

and

KRAFT PIZZA COMPANY,

Garnishee.

ORDER

08-cv-626-bbc

Plaintiff Ludmyla Carlborg has filed two motions for sanctions against garnishee Kraft Pizza Company, dkts. ##99 and 103, contending that Kraft Pizza Company failed to comply with this court's garnishment orders issued on May 6, 2010 and June 8, 2010, and that she did receive any payment at all from Kraft until October 15, 2010. On October 26, 2010, I directed garnishee Kraft Pizza Company to explain whether the \$1,517.98 it sent to plaintiff on October 15 represents 20% of defendant Ernest Tompkins' disposable earnings for a 13-week period.

Kraft Pizza Company responded, dkt. #104, stating that it had complied with the court's instructions and mailed garnishment checks to plaintiff. The checks were returned

to Kraft Pizza Company with a notice that plaintiff no longer lived at the address to which the checks were mailed. Plaintiff contacted Kraft Pizza Company and requested that it deposit the money directly into her bank account, but Kraft Pizza Company does not have the capability of doing that. Plaintiff then provided Kraft Pizza Company a new address and Kraft sent a check with the sum of all of the previous checks to the new address. Plaintiff has received the money.

I conclude that there is no basis for imposing sanctions on garnishee Kraft Pizza Company. Any delay in remitting the garnishment payments appears to have been caused by a mix-up over plaintiff's address. Therefore, I will deny plaintiff's motions for sanctions.

ORDER

IT IS ORDERED that plaintiff Ludmyla Carlborg's motions for sanctions, dkt. #99 and dkt. #103, are DENIED.

Entered this 1st day of December, 2010.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge