

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

NEUROSCIENCE, INC.
and PHARMASAN LABS, INC.,

Plaintiffs,

v.

RICHARD T. FORREST and
CERULEAN INVESTMENTS, INCORPORATED,

Defendants.

ORDER

12-cv-813-bbc

On June 3, 2014, judgment was entered in this case, awarding plaintiffs Neuroscience, Inc. and Pharmasan Labs, Inc. \$548,477.32 against defendants Richard T. Forrest and Cerulean Investments, Incorporated. Dkt. #121. Motions filed by both sides are now before the court. Defendant Forrest has filed a motion to vacate the judgment. Dkt. #122. Plaintiffs have filed three motions for garnishment. Dkt. ##128-130. I am denying all of these motions.

With respect to defendant Forrest's motion, he argues that he did not have an adequate opportunity to refute plaintiffs' proposed damages amount. However, default was entered against Forrest as to liability because he failed to oppose plaintiffs' claims. Further, although Forrest had notice of the hearing on damages and did not request another date, he failed to appear. Thus, Forrest forfeited his rights by failing to raise any objections until

after judgment was entered.

I am denying plaintiffs' motions for garnishment for two reasons. First, defendant Forrest says that he received a briefing schedule for plaintiffs' motion but he did not receive the motions themselves. Because plaintiffs did not file a certificate of service and they did not contradict Forrest's statement that he was not served, I cannot consider the motions.

Second, plaintiffs' three motions for garnishment consist of nothing more than conclusory statements that they are entitled to garnishment from three different banks where they believe defendants have "goods, moneys, chattels, or effects," accompanied by a proposed summons. Plaintiffs have not cited any authority for their request or provided any grounds for believing that their proposed summons is consistent with relevant law. If plaintiffs intend to refile their motions, plaintiffs must show that they have followed the relevant procedures for garnishment in a case filed in federal court.

ORDER

IT IS ORDERED that

1. Defendant Richard T. Forrest's motion to vacate judgment, dkt. #122, is DENIED.

2. The motions for garnishment filed by Neuroscience, Inc. and Pharmasan Labs, Inc., dkt. ##128, 129 and 130, are DENIED.

Entered this 2d day of September, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge