

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

v.

BARRETT LAWRENCE BROWN,

Defendant,

and

WRITERS HOUSE, LLC,

Garnishees.

Nos. 3:12-CR- 413-L

EX PARTE FILING

APPLICATION FOR WRITS OF GARNISHMENT

The United States of America applies, ex parte, pursuant to 18 U.S.C. § 3613 and 28 U.S.C. §§ 3002, 3202, and 3205 of the Federal Debt Collection Procedures Act (FDCPA) for issuance of a writs of garnishment for substantial nonexempt property belonging to or due defendant-judgment debtor, Barrett Lawrence Brown, as follows:¹

1. This court entered judgment against Brown on January 22, 2015, and the outstanding balance as of June 21, 2017 is:

\$890,375.00	Judgment amount
<u>(\$ 2,300.00)</u>	Credits applied to judgment
\$888,075.00	Debt balance

¹ Applications for FDCPA writs are necessarily submitted *ex parte* without notice to judgment debtors and their insiders until after the process has been served on whomever is holding the subject property to prevent the transfer or dissipation of non-exempt assets. Once the United States certifies that process has been served, the *ex parte* restriction on this application and its related filings may be lifted.

2. Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all of the defendant's property and rights to property.

3. The defendant-judgment debtor's full name is Barrett Lawrence Brown, social security number is ***-**-0651, and his last known address is in Dallas, TX.²

More than 30 days has elapsed since demand for payment of the debt was made, and Brown has not paid the amount due.

4. To enforce the judgment entered against Brown in this matter, the United States requests that writs of garnishment be issued for service upon the garnishees. The names and addresses of the garnishees and their authorized agents are:

Writers House, LLC
21 West 26th Street
New York, NY 10010

5. The United States believes the garnishees and their affiliates, successors, or assigns to be in possession, custody, or control of substantial nonexempt property belonging to or due Brown, including but not limited to any publishing advances,

² Pursuant to FED. R. CRIM. P. 49.1, the defendant's social security number has been redacted to the last four digits and the defendant's home address has been redacted to the city and state to prevent public disclosure. Upon request of the court, the full social security number and address will be provided *in camera*.

commissions, or royalties, and nonexempt disposable earnings.³ Under federal law, the amount of earnings that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week; or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage. *See* 15 U.S.C. § 1673; and 28 U.S.C. § 3002(9).

6. Pursuant to 15 U.S.C. § 1674(a), garnishees are prohibited from discharging Brown from employment by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

7. After the garnishees have been served, pursuant to 28 U.S.C. § 3202(c), the United States will serve Brown, and each person whom the United States has reasonable cause to believe has an interest in the property subject to the writs of garnishment.

Respectfully submitted,

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UNITED STATES ATTORNEY

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³ “Earnings” means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments to a pension or retirement program. “Disposable earnings” means that part of earnings remaining after all deductions required by law have been withheld. “Nonexempt disposable earnings” means 25 percent of disposable earnings. 28 U.S.C. §§ 3002(5)-(6) and (9) (same as Section 302 of the Consumer Credit Protection Act (CCPA), 15 U.S.C. § 1672).