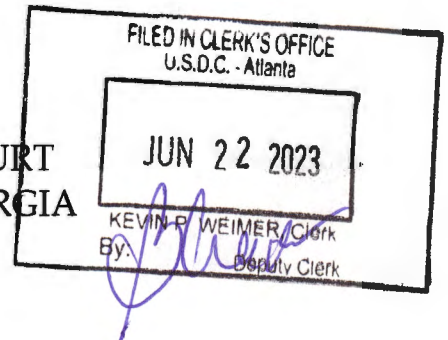


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



UNITED STATES OF AMERICA, :
 :
v. : CRIMINAL ACTION
 : NO: 1:21-CR-206-01-JPB
 :
ANDRE LEE GAINES, :
 :
Defendant, :
And :
 :
MORGAN & MORGAN PLLC, :
 :
Garnishee. :

**CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT AND
INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR**

You are hereby notified that this Writ of Garnishment is being taken by the United States of America which has a judgment in Criminal Action Number 1:21-CR-206-01-JPB, United States District Court, Northern District of Georgia, in the sum of \$806,810.00. As of June 20, 2023, a current balance of \$762,666.12 remains outstanding.

You are hereby notified that certain properties, to wit: property in the possession, custody or control of the garnishee including any and all funds, accounts, monies, stock or earnings of the judgment debtor, including but not

limited to any and all proceeds received from the personal injury case stemming from Defendant's motor vehicle accident are being taken by the United States pursuant to a judgment in a criminal case, Criminal Action No. 1:21-CR-206-01-JPB issued by the United District Court, Northern District of Georgia, in the sum of \$806,810.00. A judgment balance of \$762,666.12 remains outstanding as of June 20, 2023.

In addition, you are hereby notified that there are exemptions under the law which may apply if you, the judgment debtor, can demonstrate to the Court that they apply. The attached Notice to Judgment Debtor Regarding Exemptions and Exemption Claim Form summarize the major exemptions.

You have a right to ask the Court to return your property to you if you think you do not owe the money, or that an exemption applies.

If you want a hearing, you must file your objection[s] within twenty (20) days of receipt of the Writ or within twenty (20) days of receipt of the answer of the garnishee. You must file your objection[s] with the Clerk of Court for the Northern District of Georgia at 2211 U.S. Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303 and reference Criminal Action No. 1:21-CR-206-01-JPB. You must also send a copy of your objection[s] and Request for Hearing to Vivieon

K. Jones, Assistant United States Attorney, 600 U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA 30303.

If you wish, you may use the Request for Hearing Form and the Exemption Claim Form and follow the instructions contained in the Notice to Judgment Debtor Regarding Exemptions. The hearing will take place when scheduled by the Court in accordance with 28 U.S.C. § 3205(c)(5).

You should explain to the judge why you believe that the taken property is exempt or why you think you do not owe a debt to the United States; however, please note that the issues to be decided in this action will be limited: (1) to the validity of any claim for exemption; (2) to compliance with any statutory requirements for the issuance of the Writ; and (3) only if the judgment is by default and only to the extent that the Constitution or any other law of the United States provides a right to review, to: (a) the probable validity of the claim for the judgment debt; and (b) the existence of good cause for setting aside such judgment. The burden is on you to prove the grounds in support of your objection[s] and right to a hearing.

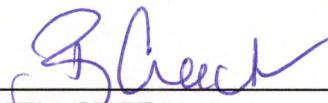
If you live outside the federal judicial district from which the Writ issued, you may request, not later than twenty (20) days after you receive this notice, that

this proceeding be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing and deliver it to the Clerk of the Court for the Northern District of Georgia at 2211 U.S. Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303 and reference Criminal Action No. 1:21-CR-206-01-3. You must also send a copy of your request to Vivieon K. Jones, Assistant United States Attorney, 600 U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA 30303.

Be sure to keep a copy of this packet for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer or an office of public legal assistance. The Clerk is not permitted to give legal advice but may be able to refer you to other sources of information.

Date: 6/28/23

KEVIN P. WEIMER
CLERK OF COURT
NORTHERN DISTRICT OF GEORGIA

By 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	:	
	:	CRIMINAL ACTION
v.	:	NO: 1:21-CR-206-01-JPB
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ANDRE LEE GAINES,	:	
Defendant,	:	
and	:	
	:	
MORGAN & MORGAN PLLC,	:	
Garnishee.	:	

REQUEST FOR HEARING

☐ I hereby request a court hearing. Notice of the hearing should be mailed to me at the following address: _____

_____.

My claim for exemption, objection and/or other reason[s] for seeking a hearing are the following: _____

_____.

Date: _____

Signature of Judgment Debtor/Defendant

Print Name

Address

Telephone No.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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UNITED STATES OF AMERICA,	:	
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v.	:	NO: 1:21-CR-206-01-JPB
	:	
ANDRE LEE GAINES,	:	
Defendant,	:	
and	:	
	:	
MORGAN & MORGAN PLLC,	:	
Garnishee.	:	

**NOTICE TO JUDGMENT DEBTOR
REGARDING EXEMPTIONS**

The attached pre-judgment or post-judgment process has been issued at the request of the United States Attorney.

The law provides that certain property is exempt and cannot be taken. Such property is said to be "exempted". This Notice lists the applicable exemptions. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (1) fill out the Request for Hearing Form; (2) complete The Exemption Claim Form; and (3) deliver the forms to the Clerk of the United States District Court for the Northern District of Georgia at 2211 U.S. Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303 and reference

Criminal Action No. 1:21-CR-206-01-JPB and to Vivieon K. Jones, Assistant United States Attorney, 600 U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA 30303.

If you request a hearing, you should come to court ready to explain why your property is exempt, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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UNITED STATES OF AMERICA,	:	
	:	CRIMINAL ACTION
v.	:	NO: 1:21-CR-206-01-JPB
	:	
ANDRE LEE GAINES,	:	
Defendant,	:	
and	:	
	:	
MORGAN & MORGAN PLLC,	:	
Garnishee.	:	

TO: Morgan & Morgan PLLC
c/o Registered Agent Solutions, Inc.
900 Old Roswell Lakes Pkwy, Ste 310
Roswell, GA 30076

Morgan & Morgan PLLC
Attn: Gregory Johnson, Esq.
408 12th St., Suite 200
Columbus, GA 31901

INSTRUCTIONS TO THE GARNISHEE

**PLEASE READ THESE INSTRUCTIONS CAREFULLY. THIS
GARNISHMENT IS ISSUED PURSUANT TO FEDERAL LAW AND
MAY BE DIFFERENT FROM STATE GARNISHMENTS.**

Attached is a Writ of Garnishment instructing you to provide the following
information, in writing, under oath, within ten (10) days of receipt of the Writ:

(1) Whether you have in your custody, control or possession, any property owned by the Defendant, including any and all accounts with your institution which are held in Defendant's name or over which Defendant holds signature authority, including but not limited to checking accounts, savings accounts, retirement accounts (IRA and 401k), and any and all investment accounts, including but not limited to account numbers (enter known account numbers here).

(2) You are further required to withhold and retain any property in which the Defendant has a substantial non-exempt interest. A list of exemptions which are not subject to the Writ of Garnishment, entitled "Claim for Exemption Form," is attached to the Writ.

(3) A description of any previous garnishment to which such property is subject and the extent to which of any property is not exempt.

You are required by law to file an Answer to the Writ within ten (10) days of your receipt of the Writ with the Clerk of the United States District Court for the Northern District of Georgia at 2211 U.S. Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303 and reference Criminal Action No. 1:21-CR-206-01-JPB. You may complete the attached form entitled "ANSWER OF THE GARNISHEE FORM" and use it as your written answer to the Writ.

You must also serve a copy of the answer on the Defendant and on Vivieon K. Jones, Assistant United States Attorney, 600 United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA 30303.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEFENDANT'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please call Assistant U.S. Attorney Vivieon K. Jones at (404) 581-6350.

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UNITED STATES OF AMERICA,	:	
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	:	NO: 1:21-CR-206-01-JPB
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ANDRE LEE GAINES,	:	
	:	
Defendant,	:	
and	:	
	:	
MORGAN & MORGAN PLLC,	:	
Garnishee.	:	

ANSWER OF THE GARNISHEE

I, _____ (Declarant), as the _____ (Title
of Declarant) of Garnishee, _____ (Garnishee's official
name).

BEING DULY SWORN DEPOSE AND SAY:

1. Choose one as applicable:

☐ GARNISHEE IS AN INDIVIDUAL

Garnishee is or was doing business in name of _____
_____. The Garnishee is or was doing business under a DBA and the name
of DBA is _____. The official address where mail should be sent
is: _____.

☐ **GARNISHEE IS A PARTNERSHIP OR TRUST:**

The names of the partners in the partnership, or members of the trust are _____ . Declarant is the _____ (Title) of a partnership or trust known as _____ which is registered in the State of _____. The official title of the person completing this Answer is _____. The mailing address for the person or authorized agent for this partnership or trust is:_____.

☐ **GARNISHEE IS A GOVERNMENTAL ENTITY.**

The official title of the Declarant completing this answer is _____ (title of declarant). The Garnishee is an _____ (Agency, Department, etc.) of the _____ (official name of government entity) with a principal office located at _____.

☐ **GARNISHEE IS A CORPORATION.**

1. Declarant is the _____ (title of declarant) of the _____ (corporation name), which is organized under the laws of the State of _____.

2. The Garnishee may be contacted through the following individual, at the following telephone number(s), and with the following identifying information:

3. On the _____ day of _____, 20____, Garnishee was served with the Writ of Garnishment.

4. Garnishee has custody, control or possession of the following property owned by the Defendant, including the following checking accounts, savings accounts, retirement accounts (IRA and 401k), and/or investment accounts, any safety deposit boxes which are held in Defendant's name or over which Defendant holds signature authority:

4a. Description of Property Interest: _____

4b. Approximate Value: _____

4c. Estimation of Defendant's Interest in Property:

5. Garnishee has custody, control or possession of the following other property or funds (non-earnings), in which the Defendant maintains an interest, as described below:

5a. Description of Property Interest: _____

5b. Approximate Value: _____

5c. Estimation of Defendant's Interest in Property:

(Complete items 6-7 below if applicable)

6. Garnishee makes the following objections, defenses, or set-offs to the United States' right to the Defendant's property:

7. Garnishee was not and is not indebted or under liability to the Defendant, and Garnishee did not or does not have possession or control of any property belonging to the Defendant, or in which the Defendant has an interest; and is not liable as Garnishee in the action for the following reason(s):

The Garnishee delivered or mailed an Answer by first class mail to the Clerk of the United States District Court for the Northern District of Georgia, 2211 U.S.

Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303 and referenced Criminal Action No.1:21-CR-206-01-JPB. The Garnishee delivered or mailed a copy of the Answer by first-class mail to the Defendant, Andre Lee Gaines, 1199 Olde Bridge Dr 1199 Olde Bridge Dr, Dallas, GA 30157. The Garnishee delivered or mailed a copy of the Answer by first class mail to Vivieon K. Jones, Assistant United States Attorney, 600 U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA 30303.

Dated this _____ day of _____, 2023.

Signature of Representative of Garnishee

Printed Name

Title

Address of Garnishee

Telephone Number of Garnishee

Subscribed to and sworn before me this

_____ day of _____, 20_____.

Notary Public (Seal)

My Commission expires: _____

GARNISHMENT COMPUTATION INSTRUCTIONS

This wage garnishment directs the withholding of up to 25 percent of the Defendant's disposable income. In certain cases, however federal law does not permit the withholding of that much of the debtor's disposable income. Please refer to 15 U.S.C. § 1671 et seq.

I. Limitations on the amount that can be withheld

A. If Defendant's weekly disposable earnings are less than thirty (30) times the current federal minimum wage (\$7.25 per hour), or \$217.50, no deduction can be made under this wage garnishment.

B. If deductions are being made from a debtor's gross income under any order for alimony, support or maintenance for family members or former spouses, and those deductions equal or exceed 25 percent of the Defendant's disposable earnings, no deductions can be made under this wage garnishment.

C. If deductions are being made from a debtor's gross income under any orders for alimony, support or maintenance for family members or former spouses, and those deductions are less than 25 percent of the Defendant's disposable earnings, deductions may be made under the wage garnishment. However, the amount arrived at by adding the deductions made under this execution to the deductions made under any orders for alimony, support or

maintenance of family members or former spouses cannot exceed 25 percent of the Defendant's disposable earnings.

NOTE: Nothing in this wage garnishment limits the proportion or amount which may be deducted under any order for alimony, support or maintenance for family members or former spouses.

II. Explanation of Limitations -Definitions

Disposable Earnings - Disposable earnings are that part of an individual's earnings left after deducting those amounts that are required by law to be withheld (for example, taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans, savings accounts, etc.)

Gross Income - Gross income is salary, earnings, wages or other income including any and all overtime earnings, commissions and income trusts, before any deductions are made from such income.

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer (and checks or money order **upon entry of the Court's Final Disposition Order**) must be mailed to:

Clerk of the United States District Court
2211 U.S. Courthouse
75 Ted Turner Drive
Atlanta, Georgia 30303

A copy of the Answer must also be delivered to:

United States Attorney's Office
600 U.S. Courthouse
75 Ted Turner Drive, S.W.
Atlanta, GA 30303
Attn: Vivieon K. Jones

A copy of the Answer must be sent to the Defendant, Andre Lee Gaines

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing apparel and schoolbooks.--Such items of wearing apparel and such schoolbooks as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$10,810** in value.
- ☐ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$5,400** in value.
- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.

_____ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired, or retainer pay under Chapter 73 of Title 10 of United States Code.

_____ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

_____ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

_____ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under-(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.

_____ 10. Assistance under Job Training Partnership Act.
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

____ 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

____ I hereby request a court hearing to decide the validity of my claims.
Notice of the hearing should be given to me by mail at:

(_____) or telephonically at (_____)
Address Phone No.

Debtor's printed or typed name

Signature of debtor

Date