

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ELIYAHU MIRLIS,

Plaintiff,

No. 3:16-cv-00678 (MPS)

v.

DANIEL GREER, ET AL.

Defendants.

MOTION FOR ORDER OF WEEKLY PAYMENTS

Pursuant to Fed. R. Civ. P. 69(a)(1) and Conn. Gen. Stat. § 52-356d, the plaintiff and judgment creditor in the above captioned matter, Eliyahu Mirlis (“Plaintiff”), hereby moves this Court for the entry of a weekly payment order against defendant and judgment debtor Daniel Greer (“Defendant”). In support hereof, Plaintiff represents as follows:

1. On June 6, 2017, following a jury verdict in Plaintiff’s favor, the Court entered a judgment (the “Judgment”) against the Yeshiva of New Haven, Inc. and Defendant (together, “Defendants”) in the above-captioned case in the amount of \$21,749,041.00. Plaintiff also is entitled to post-judgment interest from the date of the Judgment pursuant to 28 U.S.C. § 1961.

2. As of the filing of this Motion, the Judgment remains unsatisfied in full.¹

3. Fed. R. Civ. P. 69(a)(1) provides:

A money judgment is enforced by a writ of execution, unless the court directs otherwise. The procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.

4. Thus, “Rule 69 provides a mechanism for parties to seek the Court's aid in executing its judgments.” Cordius Tr. v. Kummerfeld, 2009 U.S. Dist. LEXIS 98889, at *19

¹ Plaintiff is informed and believes that he will be receiving a small sum pursuant to certain financial institution executions he served on certain banks.

(S.D.N.Y. Oct. 23, 2009) (quotation marks omitted). The district court retains jurisdiction over enforcement proceedings. Id. at *21-22.

5. Connecticut law provides that a judgment creditor may move the Court for an installment payment order:

(a) When a judgment is rendered against a natural person, the judgment creditor or judgment debtor may move the court for an order for installment payments in accordance with a money judgment. After hearing and consideration of the judgment debtor's financial circumstances, the court may order installment payments reasonably calculated to facilitate payment of the judgment. . . .

Conn. Gen. Stat. § 52-356d(a), (c).

6. A judgment creditor may not apply for a wage execution unless there has been a default in an installment payment order. Conn. Gen. Stat. § 52-361a; Chase Bank United States, N.A. v. Arborio, 2011 Conn. Super. LEXIS 875, at *3 (Super. Ct. Apr. 7, 2011).

7. Plaintiff requests that the Court enter an order for Defendant to make installment payments in an amount determined at a hearing to be reasonably calculated to facilitate payment of the Judgment.

8. Plaintiff further requests that such payments be made payable to Zeisler & Zeisler, P.C. as trustee, and be delivered to his counsel at the following address commencing on a date set by the Court: Zeisler & Zeisler, P.C., Attn: John L. Cesaroni, 10 Middle Street, 15th Floor, Bridgeport, CT 06604.

WHEREFORE, based upon the foregoing, Plaintiff respectfully requests that the Court enter an order directing Defendant to pay Plaintiff installment payments in an amount determined at a hearing to be reasonably calculated to facilitate payment of the Judgment until the Judgment is satisfied in full, and grant such other and further relief as justice requires.

Dated at Bridgeport, Connecticut, this 8th day of June, 2018.

THE PLAINTIFF,
ELIYAHU MIRLIS

By: /s/ John L. Cesaroni

John L. Cesaroni (ct29309)

Zeisler & Zeisler, P. C.

10 Middle Street, 15th Floor

Bridgeport, CT 06604

Tel: (203) 368-4234

Fax: (203) 367-9678

Email: jcesaroni@zeislaw.com

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on June 8, 2018, a copy of the foregoing Motion for Order of Weekly Payments was served upon all appearing parties with access to the CM/ECF System by operation of the Court's electronic notification system.

/s/ John L. Cesaroni
John L. Cesaroni (ct29309)
Zeisler & Zeisler, P. C.
10 Middle Street, 15th Floor
Bridgeport, CT 06604
Tel: (203) 368-4234
Fax: (203) 367-9678
Email: jcesaroni@zeislaw.com
His attorneys