

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Simmons v. Could Nine Hospitality Group

Simmons · No. 3:24-cv-01724-NJR · Decided June 2, 2026

SUMMARY

The United States District Court for the Southern District of Illinois ordered Heartland Bank and Trust Company to pay \$4,126.18, plus accrued interest, to Jody Simmons’s attorneys. The payment was directed to partially satisfy a \$48,681.47 default judgment against Cloud Nine Hospitality Group following garnishment proceedings under Federal Rule of Civil Procedure 69 and Illinois supplemental-proceedings law.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	June 2, 2026
DOCKET	3:24-cv-01724-NJR
DISPOSITION	other
PROCEDURAL POSTURE	After entering a default judgment for Plaintiff against Defendant, the Court considered Plaintiff's motion for judgment against the garnishee to obtain funds belonging to Defendant and apply them toward the judgment.
PRECEDENTIAL VALUE	Unknown

TOPICS

- default judgment
- civil procedure
- commercial litigation
- remedies

PRACTICE AREAS

- civil procedure
- judgment enforcement
- garnishment
- commercial litigation

QUESTIONS PRESENTED

1. Whether the Court should enter judgment against the garnishee and order funds belonging to the judgment debtor turned over to the judgment creditor to partially satisfy a money judgment.

HOLDINGS

1. Because Plaintiff followed the appropriate procedures under Illinois law to discover assets belonging to the judgment debtor, the Court could order the garnishee to turn over the identified funds, plus accrued interest, for application against the judgment.

KEY QUOTATIONS

“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.” (Page 2)

“In Illinois, 735 ILCS 5/2-1402 and Illinois Supreme Court Rule 277 govern supplemental proceedings. Supplementary proceedings are post-judgment processes that support the judgment creditor in asset discovery and final satisfaction of judgment.” (Page 2)

“gives the court broad powers to compel the application of discovered assets or income in order to satisfy a judgment.” (Page 2)

FACTUAL BACKGROUND

The Court had entered a default judgment in favor of Jody Simmons for \$48,681.47. In response to a writ of garnishment, Heartland Bank reported that it possessed \$4,126.18 belonging to Cloud Nine Hospitality Group. Neither Cloud Nine nor Heartland Bank asserted a right of setoff against those funds.

PROCEDURAL HISTORY

On January 27, 2026, the Court entered a \$48,681.47 default judgment for Jody Simmons against Cloud Nine Hospitality Group. The Clerk issued a writ of garnishment to Heartland Bank and Trust Company, which reported holding \$4,126.18 belonging to Cloud Nine. Simmons moved for judgment against Heartland Bank, and neither the Defendant nor the garnishee claimed a right of setoff. The Court ordered the funds, plus accrued interest, paid to Simmons's attorneys for partial satisfaction of the judgment.

DISPOSITION

other

CASES CITED

- Dexia Credit Local v. Rogan, 629 F.3d 612, 622 (7th Cir.)
- Dowling v. Chicago Options Assocs., Inc., 847 N.E.2d 741, 746 (Ill. App. Ct. 2006)

OPINION

Simmons

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JODY SIMMONS,

Plaintiff, v. Case No. 3:24-cv-01724-NJR

COULD NINE HOSPITALITY GROUP,

Defendant, v.

HEARTLAND BANK AND TRUST

COMPANY (f/k/a TOWN AND

COUNTRY BANK),

Garnishee.

WRIT OF EXECUTION

ROSENSTENGEL, District Judge: On January 27, 2026, the Court issued a default judgment in favor of Plaintiff Jody Simmons in the amount of \$48,681.47. (Doc. 16). On February 13, 2026, the Clerk's Office issued a writ of garnishment to Garnishee Heartland Bank and Trust (f/k/a Town and Country Bank) (hereinafter "Heartland Bank"), directing it to answer certain Garnishee Interrogatories. (Doc. 21). On April 6, 2026, Heartland Bank responded to the Garnishee Interrogatories, stating that it had in its possession \$4,126.18 belonging to Defendant Cloud Nine Hospitality Group (the "Funds"). (Doc. 24). On April 30, 2026, Plaintiff filed a motion for judgment against Heartland Bank so that he may collect the Funds to partially satisfy the judgment. (Doc. 25). Neither Defendant nor Heartland Bank claim any right of setoff against the Funds. (Id.). Pursuant to Federal Rule of Civil Procedure 69(a)(1), "[a] money judgment is enforced by a writ of execution." "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." Id. "In Illinois, 735 ILCS 5/2-1402 and Illinois Supreme Court Rule 277 govern supplemental proceedings. Supplementary proceedings are post-judgment processes that support the judgment creditor in asset discovery and final satisfaction of judgment." *Dexia Credit Local v. Rogan*, 629 F.3d 612, 622 (7th Cir. 2010). Section 2-1402 "gives the court broad powers to compel the application of discovered assets or income in order to satisfy a judgment." *Dowling v. Chicago Options Assocs., Inc.*, 847 N.E.2d 741, 746 (Ill. App. Ct. 2006). Here, the Court is satisfied that Plaintiff has followed the appropriate steps under Illinois law to discover assets belonging to Defendant. Accordingly, the Court finds it appropriate that the Funds be turned over to Plaintiff so that they may be applied against the judgment entered in this case. IT IS THEREFORE ORDERED that Heartland Bank pay \$4,126.18 plus any accrued interest as of the date of this Order to Plaintiff Jody Simmons's attorneys. Plaintiff SHALL provide a copy of this Order to Heartland Bank. IT IS SO ORDERED. DATED: June 2, 2026

NANCY J. ROSENSTENGEL □

