

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

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION FOR
GARY RICHARDSON AND
JAMES HALL,

Plaintiffs,

VS.

CIVIL ACTION FILE
NO. 3:05-CV-97-CC

GAMMANS ARCHITECTURAL d/b/a
SKYLIGHTS INTERNATIONAL, INC.
and GAMMANS ARCHITECTURAL
PRODUCTS, INC.,

Defendants.

ORDER

WHEREAS, this matter having come before this Court based on a Motion to Substitute non-party Sol-Area, Inc. (“Sol Area”) as an additional judgment defendant filed by J. Balington Financial (“Balington”) on August 26, 2013; and

WHEREAS, this Court having read the briefs and supporting case law and exhibits filed by both Balington and Sol-Area; and

WHEREAS, this Court having further considered the arguments of counsel for both Balington and Sol-Area presented at a hearing conducted on Wednesday, October 23, 2013;

NOW THEREFORE, THIS COURT DENIES Balington's Motion for Substitution because Balington lacks standing. Balington contends that it is the assignee of the Judgment by virtue of a transfer and assignment from Plaintiff Gary Richardson ("Richardson") and Plaintiff James Hall ("Hall") dated September 24, 2012. However, the record reflects that Richardson and Hall previously transferred and assigned the Judgment to Heather Lindsey d/b/a Lindsey & Lindsey, LLC ("Lindsey") on June 6, 2012, which written transfer and assignment was recorded with this Court on June 11, 2012 (Docket No. 70). Because Richardson and Hall previously transferred and assigned all of their right, title and interest in the Judgment to Lindsey in June of 2012, Richardson and Hall had no further right, title, or interest in the Judgment to transfer to Balington. *Nova Info. Sys. v. Greenwich Ins. Co.* 365 F.3d 996, 10004, 2004 U.S. Lexis 6962 (11th Cir. 2004) ("assignee can acquire no greater rights than those possessed by the assignor himself"). Balington, therefore, has no right, title or interest in the Judgment and lacks standing to file the Motion.

SO ORDERED this 25th day of October, 2013.

s/ CLARENCE COOPER

Honorable Clarence Cooper
Judge, United States District Court

PROPOSED ORDER PREPARED
BY COUNSEL FOR SOL-AREA, INC.
GLOVER & DAVIS, P.A.

BY: s/ Peter A. Durham, Esq.

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PROPOSED ORDERED REVIEWED AND
AGREED TO AS TO FORM BY COUNSEL
FOR J. BALINGTON FINANCIAL AS
ASSIGNEE OF GARY RICHARDSON
AND JAMES HALL

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