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CLOSED

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25 UNITED STATES DISTRICT COURT FOR THE
 26 CENTRAL DISTRICT OF CALIFORNIA
 27 (Western Division-Los Angeles)

28 KEVIN SO, Plaintiff, v. LAND BASE, LLC, et al. Defendants.	}	CASE NO. CV 08-03336 DDP (AGR _x) JUDGMENT FOR SUM CERTAIN AGAINST DEFENDANTS LUCY LU AND HENRY YANG (Hon. Dean D. Pregerson) Oral Argument Scheduled Date: Monday, April 22, 2013 Time: 10:00 am Place: Courtroom 3, 2 nd Floor
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29 Plaintiff Kevin So, through counsel, having filed a Motion for Default Judgment
 30 against Lucy Lu and Henry Yang (collectively “Defendants”), and this case being one

1 appropriate for default judgment without a hearing, and good cause appearing, the Court
2 hereby makes the following findings of fact and conclusions of law:

- 3 I. Plaintiff filed his Second Amended Complaint on June 12, 2009.
- 4 II. Defendants Lucy Lu and Henry Yang were served with process in this matter on
5 August 31, 2009, and neither has answered or otherwise appeared to defend.
- 6 III. Defendants' default was entered on February 11, 2010, and the allegations
7 contained in Plaintiff's Second Amended Complaint are deemed true.
- 8 IV. The damages sought herein are determinable by way of calculation and are
9 appropriately awarded without a hearing.
- 10 V. Plaintiff has sufficiently proven his right to all damages awarded herein.
- 11 VI. Pursuant to 28 USC § 2412, Plaintiff is entitled to an award of his costs, in an
12 amount to be determined pending submission of a Bill of Costs by Plaintiff.

13
14 **NOW, THEREFORE**, based upon the foregoing findings of fact and conclusions of law,
15 the pleadings filed in this matter, and the evidence presented in Plaintiff's Motion for
16 Default Judgment and accompanying Declaration:

17
18 **IT IS HEREBY ORDERED** that Judgment in Case No. CV 08-3336 DDP be and hereby
19 is granted in favor of Plaintiff Kevin So, and jointly and severally against Defendant Lucy
20 Lu and Defendant Henry Yang, as follows:

21 A. On Plaintiff's claim for unjust enrichment (Count 6 of the Second Amended
22 Complaint):

- 23 1. Awarding compensatory damages of \$816,222.00;
 - 24 2. Awarding pre-judgment interest at the rate of seven percent (7%) per
25 annum, from July 31, 2008, through the date of issuance of this
26 judgment;
 - 27 3. Awarding costs in an amount to be determined following submission
28 of a Bill of Costs;
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- 1 4. Awarding interest on the foregoing amounts pursuant to 28 U.S.C.
- 2 § 1961 from the date of judgment until paid in full;
- 3 5. Awarding post-judgment costs and attorneys' fees incurred in the
- 4 collection of this judgment.

5 B. On Plaintiff's claim for constructive trust (Count 8 of the Second Amended
6 Complaint):

- 7 1. Awarding compensatory damages of \$816,222.00;
- 8 2. Awarding pre-judgment interest at the rate of seven percent (7%) per
- 9 annum, from July 31, 2008, through the date of issuance of this
- 10 judgment;
- 11 3. Awarding costs in an amount to be determined following submission
- 12 of a Bill of Costs;
- 13 4. Awarding interest on the foregoing amounts pursuant to 28 U.S.C.
- 14 § 1961 from the date of judgment until paid in full;
- 15 5. Awarding post-judgment costs and attorneys' fees incurred in the
- 16 collection of this judgment.

17 C. On Plaintiff's claim for breach of fiduciary duty (Count 10 of the Second Amended
18 Complaint):

- 19 1. Awarding compensatory damages of \$24,832,860.96;
 - 20 2. Awarding pre-judgment interest at the rate of seven percent (7%) per
 - 21 annum, from July 31, 2008, through the date of issuance of this
 - 22 judgment;
 - 23 3. Awarding costs in an amount to be determined following submission
 - 24 of a Bill of Costs;
 - 25 4. Awarding interest on the foregoing amounts pursuant to 28 U.S.C.
 - 26 § 1961 from the date of judgment until paid in full;
 - 27 5. Awarding post-judgment costs and attorneys' fees incurred in the
 - 28 collection of this judgment.
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IT IS FURTHER ORDERED that Plaintiff is entitled to apply payments received on this Final Judgment first toward after-accruing interest, then toward principal.

IT IS FURTHER ORDERED that, the Court finds there is no just reason for delay and, if this Judgment is against less than all Defendants herein, that the Clerk shall enter this as a final Judgment upon its filing, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: July 02, 2013



United States District Judge