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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

DON ROSE,)	1:08-CV-606 AWI JLT
)	
Plaintiff,)	ORDER ADOPTING
v.)	AMENDED FINDINGS AND
)	RECOMMENDATION AND
SAMUEL ABRAHAM, et al.,)	GRANTING PLAINTIFF'S
)	MOTION FOR DEFAULT
Defendants.)	JUDGMENT AND CLOSING
)	CASE

(Doc. Nos. 113, 114m 126, 129)

Plaintiff Don Rose moved for Default Judgment against Defendants. This matter was referred to United States Magistrate Judge Jennifer L. Thurston pursuant to 28 U.S.C. § 636(b) and Local Rules 302 and 304.

On December 22, 2011, the Magistrate Judge filed a Findings and Recommendation recommending that Plaintiff's motion be granted in part and denied in part. Plaintiff filed timely objections.

On January 9, 2012, the Magistrate Judge issued an Amended Findings and Recommendation, and withdrew the previously issued December 22, 2011 Findings and Recommendation. The Amended Findings and Recommendation again recommend granting in part and denying in part Plaintiff's motion. The parties were given fourteen (14) days to file objections to the Amended Findings and Recommendation. No party has filed an objection or response of any kind to the Amended Findings and Recommendation.

1 In accordance with the provisions of 28 U.S.C. § 636 (b), this Court has conducted a
2 review of the case. Having carefully reviewed the entire file, the Court concludes that the
3 Magistrate Judge's Amended Findings and Recommendation (Doc. No. 129) is supported by the
4 record and by proper analysis.

5
6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Amended Findings and Recommendations issued January 9, 2012 (Doc. No.
8 129), is ADOPTED IN FULL;
- 9 2. Plaintiff's motion for default judgment (Doc. Nos. 113, 114) is GRANTED in part
10 and DENIED in part as follows:
- 11 a. Plaintiff's request for damages is GRANTED in the amount of
12 \$3,273,938.13;
- 13 b. Defendants Samuel Abraham, Steven Duce, Alicia Duce, Bella Robles
14 Corporation, Inc., Lance Slayton, and Landmark, Ltd. shall be held jointly
15 and severally liable in the amount of \$3,273,938.13;
- 16 c. Defendant Roger Fontaine shall be held joint and severally liable with the
17 other defendants for \$600,000 of the total judgement amount of
18 \$3,273,938.13;
- 19 d. Plaintiff's request for punitive damages is DENIED;
- 20 e. Plaintiff's request for attorney's fees and costs is GRANTED in the
21 amount of \$46,549.32.; and
- 22 3. The Clerk of Court is DIRECTED to enter final judgment in favor of Plaintiff and
23 against Defendants consistent with this order.

24 IT IS SO ORDERED.

25 Dated: January 30, 2012

26 
27 CHIEF UNITED STATES DISTRICT JUDGE
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