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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN KING, an individual,

CASE NO. 1:09-cv-02128-LJO-SMS

Plaintiff,

v.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
ENTRY OF DEFAULT JUDGMENT AGAINST
DEFENDANT EMERALD ENERGY

EMERALD ENERGY, LLC, a Delaware
company, and RAY ALLEN, an individual,

(Doc. 29)

Defendants.

_____ /

Plaintiff John King, by his attorneys Coleman & Horowitz, LLP, seeks Default Judgment against Defendant Emerald Energy, LLC, to collect principal and interest on four notes: (1) \$35,000.00 plus interest at the rate of twelve percent (12 %) from April 10, 2008; (2) \$34,279.00 plus interest at the rate of twelve percent (12 %) from May 23, 2008; (3) \$30,000.00 plus interest at the rate of twelve percent (12 %) from June 2, 2008; and (4) \$15,000.00 plus interest at the rate of twelve percent (12 %) from July 2, 2008 (Doc. 2). Despite repeated requests, the principal of Emerald Energy has failed to secure counsel to represent the corporation. See 28 U.S.C. § 1654; Local Rule 83-183. On July 1, 2010, the magistrate judge struck Defendant Emerald Energy’s prior “answer,” and ordered Emerald Energy to retain counsel and file its answer within fourteen days. Defendant Emerald Energy having failed to retain counsel and file an answer in this matter or to otherwise respond to the magistrate’s order, on July 20, 2010, the magistrate recommended that this Court enter a default judgment against Emerald Energy.

1 The Findings and Recommendations were served on the parties and contained notice to
2 the parties that any objections to the Findings and Recommendations were to be filed within
3 thirty days. No party to this action has filed any objections to the findings and recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
5 a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
6 Findings and Recommendations to be supported by the record and proper analysis.

7 Accordingly, this Court hereby **ADOPTS** in full the Findings and Recommendations,
8 filed July 19, 2010, and **ORDERS**

- 9 1. Plaintiff's motion for default judgment is granted;
- 10 2. The Clerk shall enter judgment in favor of Plaintiff John King and against
11 Defendant Emerald Energy, LLC, for damages including (a) principal and interest
12 due on all four notes: (1) \$35,000.00 plus interest at the rate of twelve percent (12
13 %) from April 10, 2008; (2) \$34,279.00 plus interest at the rate of twelve percent
14 (12 %) from May 23, 2008; (3) \$30,000.00 plus interest at the rate of twelve
15 percent (12 %) from June 2, 2008; and (4) \$15,000.00 plus interest at the rate of
16 twelve percent (12 %) from July 2, 2008 (Doc. 2); (b) attorneys' fees and costs
17 totaled \$3,650.00; (c) prejudgment interest from December 7, 2009, the date of
18 filing of the complaint, through the entry of judgment; and post-judgment interest
19 at the federal rate calculated pursuant to the provisions of 28 U.S.C. § 1961; and
20 3. Plaintiff shall prepare and submit to this Court for signing the form of judgment,
21 including calculation of the damages set forth in paragraph 2.

22
23 IT IS SO ORDERED.

24 **Dated:** August 23, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE