

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**JOHN LANGSTON and CATHERINE
LANGSTON,**

Plaintiffs,

v.

**FARMWORLD INTERNATIONAL
FOODS, INC., fka Farmworld, Inc., and
ROBERT L. FREEBORN,**

Defendants.

Civ. No. 6:14-cv-01365-MC

OPINION AND ORDER

MCSHANE, Judge:

Plaintiffs John and Catherine Langston bring this action seeking to enforce a promissory note executed on January 1, 2011. This Court granted plaintiffs' Motion for Entry of Default, ECF No. 9, on November 12, 2014. Plaintiffs now seek a default judgment and attorney fees in the amount of \$309,264.81. Upon review, plaintiffs' motion, ECF No. 13, is GRANTED.

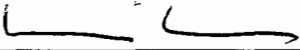
FRCP 55(b)(1) authorizes the district court clerk to enter a default judgment only if "the plaintiff's claim against a defendant is for a sum certain . . . against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person." To satisfy the sum certain requirement, plaintiffs must demonstrate that no doubt remains as to the amount to which they are entitled as a result of the defendants' default. *Franchise Holding II, LLC v. Huntington Rests. Group, Inc.*, 375 F.3d 922, 929 (9th Cir. 2004) (citation omitted). This Court, having reviewed plaintiffs' initial and subsequent declarations, finds that no doubt remains as to

the amount to which plaintiffs' are entitled under the promissory note. *See* Decl. of Catherine Langston 2, ECF No. 14; Supplemental Decl. of Bethany Coleman-Fire 1-5, ECF No. 17-1. As explained in plaintiffs' declaration, "[t]he total unpaid balance, delinquency charges and prejudgment interest through November 14, 2014 [are] \$303,554.81." Supplemental Decl. of Bethany Coleman-Fire 2, ECF No. 17. Because this sum is certain and defendants otherwise meet the requirements of FRCP 55(b)(1),¹ the clerk "must enter judgment for that amount."

Plaintiffs also seek costs and attorney fees in the amount of \$5,710.00. Plaintiffs' declaration itemizing both provides a sufficient basis to apprise and award costs in the amount of \$1,090² and attorney fees in the amount of \$4,620. *See id.* at 4-7, ECF No. 17-1. Accordingly, plaintiffs are awarded default judgment in the amount of \$309,264.81.

IT IS SO ORDERED.

DATED this 15th day of December, 2014.



Michael J. McShane
United States District Judge

¹ Defendants are not in the military, minors or incompetent persons. Decl. of Bethany Coleman-Fire 2, ECF No. 15.

² Plaintiffs incurred a \$400 filing fee, a \$90 process server fee, and \$600 in costs associated with an asset search.