

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

CENTER CAPITAL CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	1:08cv969-MHT
)	(WO)
CASH BROTHERS LEASING,)	
INC., and PETER L. CASH,)	
)	
Defendants.)	

OPINION

This lawsuit is now before the court on plaintiff Center Capital Corporation's motion for summary judgment against defendants Cash Brothers Leasing, Inc. and Peter L. Cash. Center Capital seeks to recover from Cash Brothers and Peter L. Cash (1) the sum of \$ 54,161.47, (2) interest on this amount (\$ 12.30 per day from July 31, 2009, until the date of judgment), and (3) attorney's fees and costs. Rule 56(c) of the Federal Rules of Civil Procedure provides that summary judgment is appropriate

where "there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law."

Cash Brothers and Peter L. Cash have failed to oppose Center Capital's motion for summary judgment by brief or appearance, and, indeed, counsel for them has orally informed the court that they concede the motion. Thus, the evidence before the court is undisputed by Cash Brothers and Peter L. Cash, and is as follows. Cash Brothers entered into a loan agreement with Center Capital in 2004. To induce Center Capital to loan funds to Cash Brothers, Peter L. Cash executed a continuing guaranty on that loan. Under the terms of the loan agreement and the continuing guaranty respectively, Cash Brothers and Peter L. Cash have since defaulted. As a result of their defaults, Cash Brothers and Peter L. Cash owe Center Capital \$ 54,161.47 as of July 31, 2009. In addition, Cash Brothers and Peter L. Cash owe interest on that amount at \$ 12.30 per day from July 31, 2009, until

the date of judgment, plus attorney's fees and costs for
this lawsuit.

An appropriate judgment will be entered.

DONE, this 4th day of September, 2009.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE