

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

HELENA CHEMICAL COMPANY, INC.,)	
d/b/a HELENA FINANCE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 1:09cv408-WHA
)	
ROBERT J. LISEBY, JENNIFER)	(WO)
NICHOLE LISEBY, RJL FARM, INC.,)	
JNL FARM, INC., and LISEBY FARMS,)	
a General Partnership,)	
)	
Defendants.)	

ORDER

This case is before the court on the Notice of Stay of Proceedings (Doc. #25), filed on September 8, 2009, by Robert J. Lisenby and Jennifer Nichole Lisenby, individually and d/b/a Lisenby Farms, and the Plaintiff's Submission of Damages (Doc. #26), also filed on September 8, 2009.

Defendant J & N Lisenby Farms, a General Partnership, has previously been dismissed without prejudice due to its filing in bankruptcy. Summary Judgment has previously been entered (Doc. #24) against the Defendants Robert J. Lisenby, Jennifer Nichole Lisenby, RJL Farm, Inc. and JNL Farm, Inc. on the issue of liability. The Plaintiff was given until September 8, 2009, to submit evidence as to the amount owed by the Defendants, which the Plaintiff has done.

Upon consideration of these matters, the court finds that further action against the Defendants who have now filed in bankruptcy is STAYED. The court further finds the evidence

submitted by the Plaintiff to be satisfactory proof of the amount legally owed by the non-bankrupt Defendants and the reasonable amount of costs and attorneys' fees. Therefore, it is hereby ORDERED as follows:

1. The Defendants Robert J. Lisenby, Jennifer Nichole Lisenby, and Lisenby Farms, a General Partnership, are DISMISSED from this case without prejudice.

2. The court finds that the amount of principal and interest owed to the Plaintiff by the Defendants, RJL Farm, Inc. and JNL Farm, Inc. total \$786,114.78, the amount of reasonable attorneys' fees to be awarded the Plaintiff is \$12,953.50, and reasonable litigation costs for the Plaintiff total \$1,752.97. Therefore, the court finds in favor of the Plaintiff and against the Defendants, RJL Farm, Inc. and JNL Farm, Inc. in the total amount of Eight Hundred Thousand Eight Hundred Twenty-one and 25/100 (\$800, 821.25) dollars.

3. Final Judgment will be entered accordingly.

DONE this 29th day September, 2009.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE