

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

WELLS FARGO BANK,)
NATIONAL ASSOCIATION,)
successor by merger to)
Wachovia Bank, National)
Association,)
)
Plaintiff,)
)
v.)
)
ELR, LLC, et al.,)
)
Defendants.)

CIVIL ACTION NO.
2:13cv295-MHT
(WO)

OPINION

Plaintiff Wells Fargo Bank, National Association (successor by merger to Wachovia Bank, National Association) filed this lawsuit against defendants ELR, LLC, Robert A. Pike, and Thomas C. Eskridge, asserting state-law claims relating to the alleged failure to pay sums due pursuant to a promissory note and a guaranty. Jurisdiction is proper pursuant to 28 U.S.C. § 1332 (diversity). Only Eskridge has answered. The cause is currently before the court on Wells Fargo's motion for default judgment against ELR and Pike.

The record in this case reflects that ELR and Pike were served with copies of the summons and complaint; that they have failed to respond to the summons and complaint within the time allowed; and that they have failed to respond to an order of this court to show cause as to why final judgment should not be entered against them.

Accordingly, this court is of the opinion that Wells Fargo's motion for entry of default judgment should be granted and that judgment of default as to the amounts due pursuant to the promissory note and guaranty should be entered against ELR and Pike as follows: \$ 372,712.13 plus interest accruing at \$ 43.10 per day between September 6, 2013, and this date; and \$ 14,586.20 as attorneys' fees, court costs, and collection expenses.

A judgment will be entered in accordance with this opinion.

DONE, this the 2nd day of December, 2013.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE