

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>DIVERSIFIED LABEL IMAGES, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE NO. 2:13-CV-2329-SLB</b>
	)	
<b>PHARMA-PAC, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM OPINION**

This case is before the court on plaintiff’s Motion for Partial Summary Judgment. (Doc. 10.)<sup>1</sup> In its Motion, plaintiff moved for summary judgment on Count II of its Complaint, (doc. 1), which seeks recovery of \$46,367.21 of unpaid invoices. Defendant has agreed that plaintiff is entitled to a judgment as a matter of law on the limited claims presented in plaintiff’s Motion for Partial Summary Judgment. (*See* doc. 14.) Having reviewed the Motion, the brief in support, and defendant’s response thereto, the court finds that there are no material disputed facts relevant to the claim in Count II and that plaintiff is entitled to judgment as a matter of law on that count. Therefore, the Motion is due to be granted.

Accordingly, the court finds that plaintiff is entitled to recover \$46,367.21 plus prejudgment interest at the statutory legal rate of 6% beginning upon the due date of each invoice; that is, 30 days following the issuance of each invoice issued prior to July 18, 2012

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<sup>1</sup> Reference to a document number, (“Doc. \_\_\_”), refers to the number assigned to each document as it is filed in the court’s record.

(which reflected “Net 30” terms), and one week after the date of issuance of each invoice issued on July 18, 2012 (which reflected “Due upon receipt” terms), to allow for a reasonable time for receipt. *See* ALA. CODE § 8-8-8 (1975); *Goolesby v. Koch Farms, LLC*, 955 So. 2d 422, 429 (Ala. 2006).

This Opinion does not affect the court’s jurisdiction to entertain motions and filings related to any costs or fees to which plaintiff may be entitled as a result of this judgment. Granting plaintiff’s request for relief in Count II of its Complaint will render the request for relief in Count III moot.

An Order in accordance with the above will be entered contemporaneously with this Memorandum Opinion.

**DONE** this 8th day of August, 2014.



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SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE