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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Auto Finance Specialists, Inc.,)

No. CV-09-0200-PHX-JAT

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Plaintiff,)

ORDER

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vs.)

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ADESA Phoenix, LLC, a New Jersey)
Limited Liability Company; Circle T. Inc.,)
an Idaho Corporation; The Auto Shoppe,)
Inc., an Iowa Corporation; Does 1 through)
100, inclusive,)

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Defendants.)

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IT IS ORDERED that, pursuant to the Notice of Voluntary Dismissal (Doc. #71),
ADESA Phoenix, LLC's cross-claim against the Auto Shoppe, Inc., is dismissed.¹

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IT IS FURTHER ORDERED that Unknown Parties 1 through 100 are dismissed
because the Federal Rules of Civil Procedure do not permit the use of fictitious defendants.

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IT IS FURTHER ORDERED granting Plaintiff's Motion for Default Judgment
against (Doc. #70) Defendant Circle T., Inc. as follows:

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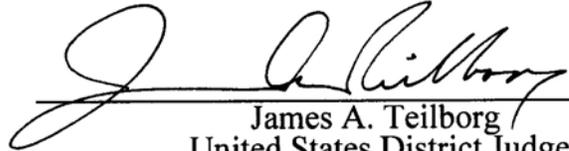
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¹ ADESA Phoenix, LLC already voluntarily dismissed its cross-claim against Circle
T, Inc. (Doc. #65) and settled the claim and counterclaim with Plaintiff (Doc. #62).

1 The Clerk of the Court shall enter judgment: (1) in favor of Plaintiff Auto Finance
2 Specialist, Inc., and against Defendant Circle T., Inc. in the amount of \$48,252.67;² and (2)
3 in favor of Defendant Auto Shoppe, Inc., and against Plaintiff (with Plaintiff to take nothing
4 from Defendant Auto Shoppe, Inc.) based on this Court's order of May 11, 2010 (Doc. #69).³

5 DATED this 27th day of May, 2010.

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James A. Teilborg
United States District Judge

24 ² Even after the entry of default, the decision to award default judgment is still within
25 the discretion of the court. *Penpower Technology Ltd. v. S.P.C. Technology*, 627 F.Supp.2d
26 1083, 1088 (N.D.Cal. 2008). In this case, the Court does not find an award of punitive
27 damages to be appropriate. *Id.* at 1093-94 (Court does not have to take allegations regarding
28 damages as true in the context of a default judgment.)

³ Because this Order resolves all outstanding claims between all parties, the Clerk of
the Court shall close this case.