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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Liberty Life Insurance Company,

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Plaintiff,

No. CV 10-2024-PHX-JAT

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v.

JUDGMENT

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Eric LungMyers, et al.,

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Defendants.

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The Court now enters Judgment against Defendants and in favor of Plaintiff.

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Plaintiff has filed a proposed form of Judgment. (Doc. 282-1). In its proposed form of

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judgment, Plaintiff seeks pre-judgment interest. The Court is not holding that Plaintiff is

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not entitled to pre-judgment interest. Plaintiff, however, has not provided the Court with a

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calculable amount of pre-judgment interest. Plaintiff has merely proposed a pre-judgment

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interest rate “at the applicable rate.” (*Id.*). The Court finds this insufficient to reduce the

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pre-judgment interest rate to a sum certain amount.

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Further, Plaintiff has not established that it is entitled to judgment against

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Defendant Joan Myers; accordingly Joan Myers is dismissed.

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The Court having issued its Order (Doc. 280) granting Plaintiff Liberty Life

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Insurance Company’s Motion for Partial Summary Judgment (Doc. 228) in its entirety,

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and good cause appearing,

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IT IS ORDERED that judgment is entered in favor of Plaintiff and against

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Defendant Eric LungMyers (a/k/a Eric L. Myers, Eric Lung-Myers) on Plaintiff’s fraud

1 claim, against Defendant Erin Sarah Stoloff (f/k/a Erin Sarah Myers) on Plaintiff's unjust
2 enrichment claim, against Defendant Kirsten Anne Ruggiano (f/k/a Kirsten Anne Myers)
3 on Plaintiff's unjust enrichment claim, and against Defendant the Estate of Donald D.
4 Myers, by and through Personal Representatives Brooke M. Wilson and Heather M. Craig
5 (the "Estate of Donald D. Myers") on Plaintiff's conversion claim, in the amount of
6 \$870,103.80, jointly and severally, plus post-judgment interest at 0.13%, until Judgment is
7 paid in full.

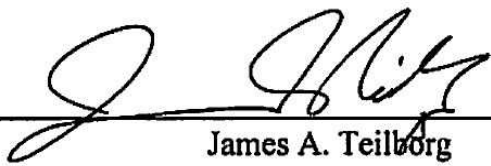
8 However, the amount recoverable from Defendant Erin Sarah Stoloff is capped at
9 \$178,031.00; the amount recoverable from Defendant Kirsten Anne Ruggiano is capped at
10 \$300,620.00; and the amount recoverable from the Estate of Donald D. Myers is capped at
11 \$478,651.00 and is reduced from \$478,651.00 by any amounts recovered from Defendant
12 Erin Sarah Stoloff and Defendant Kirsten Anne Ruggiano.

13 Further, the amount recoverable from Defendant Eric LungMyers is reduced by
14 any amounts received from Defendants Erin Sarah Stoloff, Kirsten Anne Ruggiano, and
15 the Estate of Donald D. Myers. Additionally, any amounts received from Defendant Eric
16 LungMyers in excess of \$391,452.80 shall reduce, pro rata, the amounts recoverable from
17 Defendants Erin Sarah Stoloff and Kirsten Anne Ruggiano; which shall resultantly reduce
18 the amount recoverable from the Estate of Donald D. Myers.

19 **IT IS FURTHER ORDERED** dismissing with prejudice all remaining claims
20 against all defendants other than those listed in this Judgment.

21 Dated this 17th day of September, 2013.

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James A. Teilborg
Senior United States District Judge