

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**WELLS FARGO FINANCIAL
LEASING, INC.**

PLAINTIFF

v.

CASE NO. 3:09cv00055 BSM

**DIXON FARMS, INC.
and RAY DIXON**

DEFENDANTS

AMENDED ORDER

On July 23, 2009, plaintiff Wells Fargo Financial Leasing, Inc. (“Wells Fargo”) was granted summary judgment against defendants, Dixon Farms, Inc. (“Dixon Farms”) and Ray Dixon (“Dixon”), regarding two equipment lease agreements entered in May 2005 and June 2005. On April 12, 2010, Wells Fargo was granted a default judgment on the issue of liability as to its breach of contract claims against Dixon Farms and Dixon regarding a May 2004 equipment lease agreement. Wells Fargo now seeks a determination as to its damages.

A damages hearing was conducted on June 9, 2010. James Ashby (“Ashby”), a Wells Fargo employee, testified as to Wells Fargo’s lease agreements with Dixon Farms and Dixon. He confirmed that the breach of the May 2004 equipment lease agreement resulted in damage to Wells Fargo in the amount of \$40,508.93. The breach of the May 2005 equipment lease agreement resulted in damage to Wells Fargo in the amount of \$101,026.51. The breach of the June 2005 equipment lease agreement resulted in damage to Wells Fargo in the amount of \$112,135.20. Ashby further testified that two public auctions were held to mitigate damages. The first auction resulted in Wells Fargo receiving the net amount of \$120,305.87.

The second auction resulted in Wells Fargo receiving the net amount of \$27,752.08. In addition to damages, Wells Fargo incurred attorneys fees and expenses in the amount of \$14,943.86. The total award requested by Wells Fargo is \$120,556.55. The damages requested by Wells Fargo are supported by the evidence and the costs and attorney's fees sought are reasonable.

Accordingly, Wells Fargo's request is granted and it is awarded damages, costs and attorney's fees in the amount of \$120,556.55, plus post-judgment interest at a rate of .36% per annum until paid.

IT IS SO ORDERED this 10th day of June, 2010.

Brian S. Miller
UNITED STATES DISTRICT JUDGE