

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

AMERICAN CONTRACTORS  
INDEMNITY COMPANY

PLAINTIFF

VS.

NO. 1:10-cv-01081 RTD

JERRY KEITH AND KEY  
CONSTRUCTION, LLC

DEFENDANTS

**DEFAULT JUDGMENT**

Pending before the Court is Plaintiff's Motion for Entry of Default Judgment (doc. 7). After review of the Motion and its file, and after considering applicable law, the Court finds and concludes as follows:

1. This Court has jurisdiction of the subject matter of, and parties to, this action, and venue is proper.
2. Plaintiff's Verified Complaint was filed herein on December 17, 2010.
3. As evidenced by Proofs of Service on file with this Court, a Summons in a Civil Action, a Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction and a Verified Complaint were served on Jerry Keith and on Key Construction, LLC on January 4, 2011.
4. Jerry Keith and Key Construction, LLC have failed to plead or otherwise defend and respond to Plaintiff's Verified Complaint within the time allowed by F.R.C.P. 12(a), and each of them is in default.
5. Plaintiff has submitted an Affidavit of Jill A. Fisher establishing the amount of Plaintiff's damages to be \$165,263.63. No additional affidavit or hearing under oath regarding the amount of damages is necessary.

6. The entry of this Default Judgment shall not bar Plaintiff from filing additional actions against its principal and indemnitor to recover future losses incurred in connection with the payment and performance bonds described in the Complaint.

7. Plaintiff is entitled to the recovery of its costs in the amount of \$450.00.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that Plaintiff, American Contractors Indemnity Company, should be, and is hereby, awarded judgment against Defendants, Jerry Keith and Key Construction, LLC, jointly and severally, in the amount of \$165,263.63, plus costs in the amount of \$450.00, together with post-judgment interest at the rate of .23% per annum on all of the foregoing as allowed by law, for all of which execution and garnishment may immediately issue.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
UNITED STATES DISTRICT JUDGE

DATE: March 23, 2011