

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ADAM PIAQUADIO
PLAINTIFF

v.

Civil Action No.: 2:10-CV-02066-RTD

AMERICAN LEGAL FUNDING, LLC.,
ALFUND AZ1, LLC, M.B.T. ASSOCIATE,
INC., THE LAW FUNDER, LLC AND
GLOBAL FINANCIAL CREDIT, LLC.
DEFENDANTS

ORDER GRANTING DEFAULT JUDGMENT AGAINST DEFENDANT

Now on this 30th day of June, 2011, comes on to be heard the Plaintiff's Motion for Default Judgment (doc. 17) and from his representation of counsel and other matters and things appearing before the Court, the Court doth find:

1. That the lawsuit was filed April 16, 2010 on behalf of the Plaintiff by attorney Matthew L. Lindsay.
2. That separate Defendants, American Legal Funding, L.L.C. and AZ1, L.L.C, were properly served pursuant to Rule 4 of the Federal Rules of Civil Procedure thru the Arizona Corporation Commission on June 18th 2010, and pursuant to Arizona Statute the pleadings were forwarded to the last known address of ALF's and AZ1's corporate representative.

3. That an affidavit of service was filed in this matter on August 4, 2010.

4. That the Defendant had 30 days to provide an answer to the Plaintiff's complaint and summons. That separate Defendants, ALF and AZI, answer was due in this case on July 19th, 2010. An answer in this case has not yet been filed by either separate Defendant, or in the alternative, has not been sent to plaintiff's counsel.

5. That the Defendant's answer is not timely filed, and the Plaintiff is entitled to a default judgment.

6. That the record reflects Plaintiff has incurred actual damages of \$57,000, plus twice the amount of interest in conjunction with Ark. Const. Art. XIX Sec. 13(a)(2) in the amount of \$324,240.00 for the \$162,120.00 Plaintiff paid in interest payments to the Defendant, an additional penalty of \$60,000 pursuant to Ark. Code Ann. §4-88-202 which assesses a penalty of \$10,000 per loan to the six loans provided by Defendant to the Plaintiff, and attorneys' fees and costs accrued in the amount of \$11,700 for a total of \$952,940.00 as provided for by law.

7. Plaintiff also requested an award of punitive damages against ALF and AZI. While the Court finds Separate Defendants' conduct reprehensible, it does not find that the conduct warrants an award of punitive damages.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED and DECREED that a judgment by default be entered against the Defendant on the merits of the case and that the Plaintiff is entitled to damages in the total amount of \$452,940.00.

IT IS SO ORDERED.

/s/ Robert T. Dawson

Honorable Robert T. Dawson

United States District Judge