

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

SONROB HOSTS, LLC, an Arkansas
Corporation d/b/a LOOKOUT LODGE

PLAINTIFF

v.

Case No. 3:11-CV-03094

LAFAYETTE INSURANCE COMPANY, a
Louisiana Corporation

DEFENDANT/COUNTER CLAIMANT

v.

ROBERT AND SONJA SCHMID, Husband and
Wife; SONROB HOSTS, LLC, an Arkansas
Corporation

COUNTER DEFENDANTS

JUDGMENT

Fort the reasons set forth in the Court's Memorandum Opinion filed on this same date, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff Sonrob Hosts, LLC ("Sonrob") is to have and recover from Defendant Lafayette Insurance Company ("Lafayette") total compensatory damages in the amount of \$67,232.77 on its breach of contract claim, representing \$63,116.77 in damages stipulated to by the parties plus an additional \$4,116 in contested damages for work performed by the Schmids.

IT IS FURTHER ORDERED AND ADJUDGED that Sonrob is to recover from Lafayette prejudgment interest on the stipulated amount of loss of \$63,116.77, with the parties to inform the Court as to the amount of prejudgment interest they believe is owed in this case.

IT IS FURTHER ORDERED AND ADJUDGED that Sonrob is to recover from Lafayette, pursuant to Ark. Code Ann. Section § 23-79-208, a 12% statutory penalty in the amount of \$8,067.93 and all reasonable attorney's fees for the prosecution and collection of the loss. Sonrob is also to recover any costs incurred in prosecuting this case pursuant to Federal Rule of Civil Procedure

54(d)(1).

Sonrob is therefore awarded a money judgment in the amount of \$75,300.70 plus attorney's fees and costs and prejudgment interest. The judgment amount shall bear interest at the prevailing legal rate of 0.18% per annum from the date of entry of this Order until paid. *See* 28 U.S.C. § 1961.

If the parties are unable to reach an agreement as to the amount of attorney's fees and costs owed under this Judgment, Sonrob is directed to file a motion for attorney's fees on or before Friday, November 9, 2012. Lafayette will have until Monday, November 19, to file any response. Such pleadings should also address the issue of the amount of prejudgment interest to be awarded if the parties cannot agree on that amount. Upon the Court's determination of the total amount of costs fees, and prejudgment interest owed by Defendant Lafayette to Sonrob, an amended judgment will be issued setting forth that amount.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant Lafayette Insurance Company takes nothing and is entitled to no relief on its counterclaim against Sonrob Hosts, LLC, and the counterclaim is DISMISSED WITH PREJUDICE. Further, to the extent that the counterclaim remains pending against Robert and/or Sonja Schmid, the counterclaim is DISMISSED as the Court had previously ruled that the Schmids lacked standing as plaintiffs in this matter.

IT IS SO ORDERED AND ADJUDGED this 26th day of October, 2012.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE