

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ARNOLD WAYNE RUSSELL and
PAMELA RUSSELL

PLAINTIFFS

VS.

CASE NO. 04-CV-4116

ASHLAND CHEMICAL, INC., et al.,

DEFENDANTS

ORDER

Plaintiff Arnold Wayne Russell and Pamela Russell have filed a Motion for Default Judgment in the above styled and numbered matter. (Doc. No. 208). Plaintiffs seek a default judgement against Defendant Cone Solvents, Inc. for failure to file an appearance, answer or otherwise plead to Plaintiffs' complaint against it. Defendant has not responded to Plaintiff's default judgment motion.

On August 6, 2004, Plaintiffs Arnold Wayne Russell and Pamela Russell filed a Complaint against Ashland Chemical, Inc., Union Oil Company of California, and Monochem, Inc. On March 24, 2005, Plaintiffs filed an Amended Complaint in this matter naming Cone Solvent, Inc. and others as additional Defendants. On May 9, 2005, Plaintiffs filed proof of service showing that their Amended Complaint had been served on Cone Solvent via certified mail consistent with Fed. R. Civ. P. 4. Defendant Cone Solvent, Inc. did not file an appearance, answer or otherwise respond to Plaintiff's Amended Complaint. On June 21, 2005, the Clerk of the Court entered a Default pursuant to Fed. R. Civ. P. 55(a) against the Defendant Cone Solvents, Inc. Plaintiffs now move the Court for a Default Judgment against the Defendants in

the amount of Three Million Dollars (\$3,000,000.00) for the claim of Plaintiff Arnold Russell and Two Million Dollars (\$2,000,000.00) for the claim of Pamela Russell.

Upon consideration, based upon the evidence presented to the Court at the trial of this case and the hearing on this motion, the Court finds that the Plaintiffs' Motion for Default Judgment should be and hereby is **granted**. A separate judgment in favor of Plaintiff Arnold Russell in the amount of \$3,000,000.00 and in favor of Plaintiff Pamela Russell in the amount of \$2,000,000.00 will be entered.

IT IS SO ORDERED, this 12th day of February, 2009.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge