

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

**UNITED STATES OF AMERICA for use of
H&E EQUIPMENT SERVICES, INC.**

PLAINTIFF

VS.

CASE NO. 09-4026

**LAND IMPROVEMENT COMPANY, INC.
and JERRY DERDEN, Individually**

DEFENDANTS

**MCCORMICK ASPHALT PAVING & EXCAVATING, INC.,
and THE CINCINNATI INSURANCE COMPANY**

**CROSS-CLAIMANTS/
CROSS-DEFENDANTS**

VS.

**LAND IMPROVEMENT COMPANY, INC.
and JERRY DERDEN, Individually**

**CROSS-CLAIMANTS/
CROSS-DEFENDANTS**

CONSENT JUDGMENT

On June 2, 2009, Cross-claimants McCormick Asphalt Paving & Excavating, Inc. and the Cincinnati Insurance Company, filed its Cross-Claim against Cross-Defendant, Land Improvement Company, Inc., seeking judgment on breach of contract against Land Improvement Company, Inc. for their cost expended, attorney's fees, and all other relief to which the Cross-Claimants may be entitled.

The parties have presented to the Court with this Consent Judgment as a means of fully and finally resolving the dispute between them. The Court is familiar with the factual background of the case and the factual and legal issues that the case presents. Based on all of the matters that have been presented to the Court, the agreement of the parties to the terms of this Consent Judgment, and the representation of the parties and/or the party's attorneys, the Court finds and determines that it should approve and enter this Consent Judgment and retain

jurisdiction of the case for the purposes of enforcing it. IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That McCormick Asphalt Paving and Excavating, Inc. and the Cincinnati Insurance Company is entitled to a Judgment against Land Improvement Company, Inc as follows:

a. Compensatory Damages =	\$65,000.00
b. Attorneys' Fees =	\$ 7,643.00
Total Amount of Judgment =	\$72,643.00

2. That McCormick Asphalt Paving and Excavating, Inc. and the Cincinnati Insurance Company is entitled to an award of pre-consent judgment and post-consent judgment interest in the amount owed at a rate of five and a half percent (5.5%) per annum or at the maximum rate allowable by Arkansas law.

ENTERED this 1 day of March, 2010.

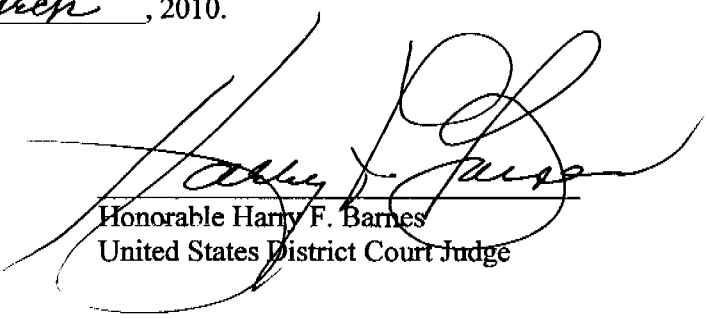
U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
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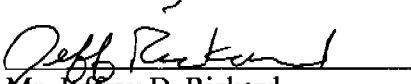
CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK


Honorable Harry F. Barnes
United States District Court Judge

APPROVED BY:



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