

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

**H & E EQUIPMENT SERVICES, INC.**

**PLAINTIFF**

**VS.**

**CASE NO. 09-4026**

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

**DEFENDANTS**

**LAND IMPROVEMENT COMPANY  
and JERRY DERDEN**

**CROSS-CLAIMANTS/  
CROSS-DEFENDANTS**

**VS.**

**MCCORMICK ASPHALT PAVING & EXCAVATING  
and THE CINCINNATI INSURANCE COMPANY**

**CROSS-DEFENDANTS/  
CROSS-CLAIMANTS**

**CONSENT JUDGMENT**

On April 2, 2009, Plaintiff, H & E Equipment Services, Inc. ("H & E"), filed its Complaint in this action against the Defendants, Land Improvement Company, Inc. and Jerry Derden, Individually (collectively the "Defendants"), seeking judgment on breach of contract against the Defendants, for its costs expended, attorneys' fees, and all other just and proper relief to which the Plaintiff was entitled.

The parties have presented the Court with this Consent Judgment as a means of fully and finally resolving the disputes 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 representations of the parties and/or the parties' attorneys, the Court finds and determines that it should approve and enter this Consent Judgment and retain jurisdiction of the case for the purpose of enforcing it. It is therefore ORDERED, ADJUDGED, AND DECREED:

1. That H & E is entitled to a judgment against the Defendants as follows:

a. Compensatory Damages = \$23,020.56

b. Attorneys' Fees = \$9,000.00

c. Costs = \$350.00

Total Amount of Judgment = \$32,370.56

2. That H & E is entitled to an award of pre-consent judgment and post-consent judgment interest on the amount owed at a rate of five and a half percent (5.5%) per annum or at the maximum rate allowed by Arkansas law.

ENTERED this 5 day of March, 2010.

  
HONORABLE HARRY F. BARNES  
UNITED STATES DISTRICT JUDGE

DATE 3/5/10

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

MAR 12 2010

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK

Approved by:

**ATTORNEYS FOR H & E EQUIPMENT SERVICES, INC.**



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