

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CROP PRODUCTION SERVICES INC.

PLAINTIFF

VS.

NO. 6:14-cv-6031 RTD

CLS FARMS, LLC, LYNN SIMMONS
and CHRIS SIMMONS

DEFENDANTS

DEFAULT JUDGMENT

Pending before the Court is Plaintiff's First Amended Motion for Entry of Default Judgment (doc. 11). After review of the Motion and its file, and after considering applicable law, the Court finds the Amended Motion (doc. 11) should be GRANTED, the original Motion (doc. 8) DENIED AS MOOT, and concludes as follows:

1. This Court has jurisdiction of the subject matter of, and parties to, this action, and venue is proper.
2. Plaintiff's Complaint was filed herein on March 7, 2014.
3. As evidenced by affidavits of service on file with this Court, Plaintiff's Complaint was served on Chris Simmons and Lynn Simmons on April 10, 2014, and on CLS Farms, LLC, on April 24, 2014.
4. Plaintiff's Motion seeks a default judgment against Separate Defendant Lynn Simmons. Lynn Simmons has failed to plead or otherwise defend and respond to Plaintiff's Complaint within the time allowed by F.R.C.P. 12(a). Plaintiff filed an affidavit in support of default on June 2, 2014, and the U.S. District Clerk entered default against Lynn Simmons on the same day.
5. Plaintiff has submitted an Affidavit of Maribeth McConal establishing the amount of Plaintiff's damages to be \$113,366.15. Plaintiff also submitted an Affidavit

of its counsel, John Mark Stephens, establishing attorney's fees and costs in the amounts of \$4,532.38 and \$699.77, respectively. No additional affidavit or hearing under oath regarding the amount of damages is necessary.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that Plaintiff, Crop Production Services, Inc., should be, and is hereby, awarded judgment against Separate Defendant, Lynn Simmons, in the amount of \$113,366.15, plus attorney's fees and costs in the amounts of \$4,532.38 and \$699.77, together with post-judgment interest at the rate of .11% per annum on all of the foregoing as allowed by law, for all of which execution and garnishment may immediately issue.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
UNITED STATES DISTRICT JUDGE

DATE: October 29, 2014