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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Donald C. Bayer,
individually and as Trustee
of The Bayer Family Trust,
as successor in interest to
31225 La Baya LLC; Cabot
Creekside 15, LLC,

Plaintiffs,

vs.

Cabot Investment
Properties, LLC; Cabot
Creekside Acquisition LLC;
Carlton P. Cabot; Timothy
J. Kroll,

Defendants.

CV 13-01652-RSWL (MLGx)

**ORDER Re: Plaintiffs'
Second Motion for Entry
of Stipulated Default
Judgment [19]**

On April 25, 2013, Plaintiffs Donald C. Bayer and Cabot Creekside 15, LLC ("Plaintiffs") filed the present Second Motion for Entry of Stipulated Default Judgment against Defendants Cabot Investment Properties, LLC; Cabot Creekside Acquisition, LLC; and Carlton P. Cabot ("Defendants") [19]. The Court,

1 having reviewed all papers submitted pertaining to this
2 Motion, **NOW FINDS AND RULES AS FOLLOWS:**

3 The Court hereby **GRANTS** Plaintiffs' Second Motion
4 for Stipulated Default Judgment. The Court finds that
5 Plaintiffs have satisfied all procedural requirements
6 necessary under Central District Local Rule 55-1 for
7 entry of default judgment. Specifically, the Court
8 finds that the Clerk entered the default of Defendants
9 on April 29, 2013. Defendants are not infants,
10 incompetent persons, or in military service or
11 otherwise exempted under the Soldiers' and Sailors'
12 Civil Relief Act of 1940. And finally, Defendants did
13 not appear in this Action.

14 Further, the Court finds that the substantive
15 factors set forth in Eitel v. McCool, 782 F.2d 1470
16 (9th Cir. 1986), weigh in favor of granting default
17 judgment.

18 THEREFORE, IT IS ORDERED that:

19 Default judgment shall be entered against
20 Defendants Cabot Investment Properties, LLC; Cabot
21 Creekside Acquisition, LLC; and Carlton P. Cabot. The
22 Court enters default judgment against Defendants as
23 follows:

- 24 1. The Court **GRANTS** Plaintiffs' request for damages in
25 the amount of \$1,000,000, as Plaintiffs and
26 Defendants stipulated in their Settlement
27 Agreement, signed in June 2012.
- 28 2. The Court also **GRANTS** Plaintiffs' request for pre-

1 judgment and post-judgment interest, at the rate
2 prescribed under 28 U.S.C. 1961.

3
4 **IT IS SO ORDERED.**

5 Dated: June 21, 2013.

6
7 RONALD S.W. LEW

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HONORABLE RONALD S. W. LEW
9 U.S. District Court Judge

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