

JS-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FRANKLIN R. FRALEY, JR., an individual and d/b/a FRALEY & ASSOCIATES,

Plaintiff,

Vs.

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, a Connecticut corporation; FIDELITY AND GUARANTY INSURANCE UNDERWRITERS, INC., a Wisconsin corporation; and DOES 1-10,

Defendants.

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, a Connecticut corporation; FIDELITY AND GUARANTY INSURANCE UNDERWRITERS, INC., a Wisconsin corporation,

Third-Party Plaintiffs,

Vs.

DRITA KESSLER, an individual; DK ART PUBLISHING, INC., a California corporation,

Third-Party Defendants.

) CASE NO. 2:18-cv-00722-AB (JPRx)

) **AMENDED JUDGMENT FOR DEFENDANTS/THIRD-PARTY PLAINTIFFS TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA AND FIDELITY AND GUARANTY INSURANCE UNDERWRITERS, INC. ON THIRD-PARTY COMPLAINT AGAINST DRITA KESSLER AND DK ART PUBLISHING, INC.**

1 The Motion by Defendants/Third-Party Plaintiffs Travelers Property Casualty
2 Company of America and Fidelity and Guaranty Insurance Underwriters, Inc.
3 (collectively “Travelers”) to Correct or Amend Judgment Against Third-Party
4 Defendants Drita Kessler (“Kessler”) and DK Art Publishing, Inc. (“DK Art”),
5 (Dkt. No. 155) came on regularly for hearing on December 3, 2021.

6 After consideration of the points and authorities, declarations and evidence
7 filed in relation to the Motion, as well as oral argument concerning said Motion,
8 the Court finds (1) the Judgment against Kessler and DK Art (collectively “DK/K”)
9 entered herein on July 23, 2019 in favor of Travelers (“Judgment”), (Dkt. No. 127),
10 is limited to damages sustained by Travelers through the date of the Judgment, July
11 23, 2019, (2) this Court intended the Judgment against DK/K to be corrected or
12 modified to reflect the amount of any subsequent damages sustained by Travelers in
13 relation to any appeal of the Judgment by Plaintiff Franklin R. Fraley, Jr. d/b/a
14 Fraley & Associates (“Fraley”), (3) Travelers sustained such damages from July 24,
15 2019 through September 2021, totaling \$3,660,559.97, due to Fraley’s appeal of
16 the Judgment, and (4) Kessler and DK Art are jointly and severally liable for said
17 damages totaling \$3,660,559.97, as set forth in the Court’s written Order granting
18 the Motion dated December 3, 2021, (Dkt. No. 167).

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** Drita
20 Kessler and DK Art Publishing, Inc., jointly and severally, shall pay Travelers
21 Property Casualty Company of America and Fidelity and Guaranty Insurance
22 Underwriters, Inc. a total of \$3,660,559.97 as damages sustained by Travelers from
23 July 24, 2019 through September 2021 in relation to Fraley’s appeal of the
24 Judgment. Further, said amount is due and owing to Travelers in addition to other
25 amounts owed to Travelers as a result of the Judgment, if any, including, but not
26 limited to, damages for attorney’s fees and costs incurred by Travelers from
27 February 21, 2018 to July 23, 2019 in the amount of \$217,406.42, plus accrued
28

1 interest on that amount as set forth in the Judgment.

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** Drita
3 Kessler and DK Art Publishing, Inc., jointly and severally, shall pay Travelers
4 Property Casualty Company of America and Fidelity and Guaranty Insurance
5 Underwriters, Inc. post-judgment interest on the unpaid principal amount of this
6 Judgment from the date of entry of this Judgment until paid in full at the rate
7 required by 28 U.S.C. §1961, based on the date of this Amended Judgment.

8 The Pretrial Conference and Jury Trial dates are vacated.

9
10 Dated: January 11, 2022



11 _____
12 Hon. André Birotte Jr.
13 United States District Court
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28