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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

13 U.S. BANK NATIONAL
14 ASSOCIATION, as Successor Trustee
15 for GS Mortgage Securities Corporation
16 II, Commercial Mortgage Pass-Through
17 Certificates, Series 2006-GG6, through
18 TORCHLIGHT LOAN SERVICES,
19 LLC, its Special Servicer; and
20 RBS FINANCIAL PRODUCTS, INC.,
21 a Delaware corporation,

22 Plaintiffs,

23 v.

24 COLDWATER PORTFOLIO
25 PARTNERS, LLC, a Delaware limited
26 liability company; KENNETH KLEIN,
27 an individual; and JOHN R. KILEY,
28 an individual,

Defendants.

Case No. SACV 12-0357 AG (ANx)

HON. ANDREW J. GUILFORD

[PROPOSED] JUDGMENT
DEFENDANT JOHN R. KILEY, AN
INDIVIDUAL

Date: August 24, 2015

Time: 10:00 a.m.

Place: Ctrm 10D, 411 W. 4th St.

Santa Ana, CA 92701-4516

Action Filed: March 7, 2012

Trial Date: September 15, 2015

1 Plaintiff U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR
2 TRUSTEE FOR GS MORTGAGE SECURITIES CORPORATION II,
3 COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
4 2006-GG6 ("Plaintiff's) Motion For Entry Of A Separate Default Judgment Against
5 JOHN R. KILEY, AN INDIVIDUAL, came on for hearing on August 24, 2015.
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8 The Court, having reviewed the arguments and evidence presented by counsel for
9 Plaintiff, finds that Plaintiff properly served a Summons and First Amended Complaint
10 upon Defendant John R. Kiley, an individual ("**Defendant**") and that Defendant failed
11 to file an Answer or otherwise move with respect to said Complaint. Accordingly, a
12 default was properly entered by the clerk against Defendant on October 24, 2014. [ECF
13 No. 35].
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16 The Court, therefore, orders that Judgment is hereby granted in favor of Plaintiff,
17 U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE FOR GS
18 MORTGAGE SECURITIES CORPORATION II, COMMERCIAL MORTGAGE
19 PASS-THROUGH CERTIFICATES, SERIES 2006-GG6, on Plaintiff's Count 4 for
20 Breach of Guaranty.
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23 Furthermore, the Court orders that Judgment is hereby granted in favor of
24 Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE
25 FOR GS MORTGAGE SECURITIES CORPORATION II, COMMERCIAL
26 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-GG6 against
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1 DEFENDANT JOHN R. KILEY, AN INDIVIDUAL, on Plaintiff's Fourth Claim for
2 Breach of Guaranty.

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4 **JUDGMENT**

5 NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that
6 Plaintiff U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE
7 FOR GS MORTGAGE SECURITIES CORPORATION II, COMMERCIAL
8 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-GG6, shall recover
9 from Defendant JOHN R. KILEY, an individual, the sum of:
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12 \$ 62,784,909.21 in actual damages; and

13 \$ 1,075,971.89 in prejudgment interest.

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15 Computing to a total of \$ 63,860,881.10 in monetary damages.

16 IT IS SO ORDERED.

17 DATED: AUGUST 24, 2015

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22 HON. ANDREW J. GUILFORD
23 UNITED STATES DISTRICT JUDGE
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