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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JLG ENTERPRISES, INC., a California corporation,

Plaintiff,

v.

EXCALIBUR SIRES, INC., a Minnesota corporation,

Defendant,

CASE NO. 1:10-cv-02138-AWI-SKO

**ORDER ADOPTING FINDINGS AND RECOMMENDATIONS THAT DEFENDANT'S COUNTERCLAIM BE DISMISSED AND THAT DEFAULT JUDGMENT BE ENTERED IN FAVOR OF PLAINTIFF**

**Docket No. 81**

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EXCALIBUR SIRES, INC.,

Counterclaimant,

v.

JLG ENTERPRISES, INC.,

Counterdefendant.

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On November 14, 2011, the Magistrate Judge issued Findings and Recommendations that Defendant Excalibur Sires, Inc. counterclaim be DISMISSED and that default judgment be ENTERED in favor of Plaintiff JLG Enterprises, Inc. These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed

1 within twenty (20) days after service of the order. No objections were filed.

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a  
3 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the  
4 Magistrate Judge's Findings and Recommendations are supported by the record and proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued November 14, 2011, are ADOPTED IN  
7 FULL;
- 8 2. JLG's request for a terminating sanction is GRANTED;
- 9 3. Excalibur's counterclaim is DISMISSED WITH PREJUDICE;
- 10 4. DEFAULT JUDGMENT is ENTERED against Excalibur and in favor of JLG as  
11 follows:
  - 12 a. Monetary damages in the amount of \$160,964.51;
  - 13 b. Interest at 10% in the amount of \$18,301.50;
  - 14 c. Costs associated with the Court approved sale of livestock in the amount of  
15 \$3,814.06; and
  - 16 d. Additional costs in the amount of \$657.15;
- 17 5. The proceeds of the livestock sale currently deposited with the Clerk of the Court in  
18 the amount of \$30,725.00 (plus any interest) shall be released to JLG and deducted  
19 from the amount of the final judgment; and
- 20 6. The Clerk of the Court is DIRECTED to close this action.

21  
22 IT IS SO ORDERED.

23 Dated: December 14, 2011

24   
25 CHIEF UNITED STATES DISTRICT JUDGE  
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