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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

HARLEY-DAVIDSON CREDIT CORPORATION,

Plaintiff,

v.

JERRY KUTUMIAN and ZOVINAR DEVELOPMENT, LLC,

Defendants.

Case No. 1:12-cv-2077 AWI BAM

**ORDER GRANTING PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

On December 12, 2012, Plaintiff Harley-Davidson Credit Corporation (“Plaintiff” or “Harley-Davidson”) filed a complaint against Defendants Zovinar Development, LLC and Jerry Kutumian (collectively “Defendants”). (Doc. 1). On April 29 and May 5, 2013, the Clerk entered default against all defendants. (Docs. 16, 20). Thereafter, Plaintiff moved for default judgment on July 8, 2013. (Doc. 24). The matter was referred to the Magistrate Judge, who on August 14, 2013, vacated the hearing and took the matter under submission. (Doc. 33).

After the motion for default judgment was filed, a Notice of Bankruptcy was filed on behalf of Defendant Jerry Kutumian. (Doc. 28). On July 18, 2013, the Court stayed this action as to Defendant Jerry Kutumian and ordered that Plaintiff provide supplemental briefing addressing how the Petition for Bankruptcy affected the Motion for Default Judgment against Defendant Zovinar Development, LLC.

1 On August 19, 2013, the Magistrate Judge issued Findings and Recommendations that  
2 Plaintiff's application for default judgment be granted in part against Defendant Zovinar  
3 Development, LLC , in the amount of \$520,773.66, and not against Defendant Jerry Kutumian. The  
4 Findings and Recommendations contained notice that any objections were to be filed within fifteen  
5 (15) days of service of the recommendation. (Doc. 24.) No objections have been filed to date.

6 In accordance with 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of  
7 this case and finds the Findings and Recommendations to be supported by the record and proper  
8 analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Findings and Recommendations dated August 19, 2013 are adopted in full (Doc.  
11 34);
- 12 2. Plaintiff's Motion for Default Judgment is GRANTED IN PART;
- 13 3. The Clerk of the Court is DIRECTED to enter judgment in favor of Plaintiff  
14 HARLEY-DAVIDSON CREDIT CORPORATION and against Defendant  
15 ZOVINAR DEVELOPMENT, LLC, in the amount of \$520,773.66 in total damages.
- 16 4. These proceedings are stayed against JERRY H. KUTUMIAN, an individual,  
17 pending the resolution of the bankruptcy proceeding. Plaintiff shall file a status  
18 report no later than February 13, 2014, outlining the status of the bankruptcy  
19 proceeding against this defendant, as well as its intentions regarding dismissal of  
20 claims. Failure to timely file the status report may result in the imposition of  
21 sanctions.

22 IT IS SO ORDERED.

23 Dated: November 13, 2013

24   
25 SENIOR DISTRICT JUDGE