

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDY ADAMS, et al., No. CIV S-04-0979-RRB-CMK
Plaintiffs,

vs. ORDER

UNITED STATES OF AMERICA,
et al.,

Defendants.

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13 Pending before the court, at Docket 187, is the renewed
14 motion for default judgment filed by Plaintiffs Ohm Ranch, Charles
15 T. Ohm, Barbara A Ohm, John C. Ohm, and Susan L. Ohm ("Ohm
16 plaintiffs"), Melvin Thompson and Mary Thompson ("Thompson
17 plaintiffs"), and Douglas Hammond and Rhonda Hammond ("Hammond
18 plaintiffs"), against Defendant Donna Gordy. The motion was before
19 the assigned Magistrate Judge pursuant to Eastern District of
20 California Local Rule 72-302(c)(19). /

21 On February 17, 2009, the Magistrate Judge filed findings
22 and recommendations herein which were served on the parties and
23 which contained notice that the parties may file objections within

1 a specified time. Timely objections to the findings and
2 recommendations have been filed.

3 In accordance with the provisions of 28
4 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has
5 conducted a de novo review of this case. Having carefully reviewed
6 the entire file, the court finds the findings and recommendations
7 to be supported by the record and by proper analysis.

8 Accordingly, **IT IS HEREBY ORDERED** that:

9 1. The findings and recommendations filed February 17,
10 2009, are adopted in full;

11 2. Given Defendant Gordy's default, the factual
12 allegations in Plaintiffs' amended complaint, at Docket 14, except
13 those relating to damages, are deemed true;

14 3. The Ohm Plaintiffs' renewed motion for default
15 judgment at Docket 187 is granted in part;

16 4. The Ohm Plaintiffs are awarded default judgment in
17 the amount of \$223,132.28 as compensable damages representing the
18 accrued interest that would have been written off and the reset at
19 lower rates if statutory loan servicing had been performed by
20 Defendant Gordy;

21 5. The Ohm Plaintiffs' request for reimbursement of the
22 FSA stipulated attorney fees, pre-judgment interest, and other
23 attorney fees is denied without prejudice;

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6. The Hammond Plaintiffs' renewed motion for default judgment at Docket 187 is granted in part;

7. The Hammond Plaintiffs are awarded default judgment in the amount of \$143,701.65 as compensable damages representing the accrued interest that would have been written off and the reset at lower rates if statutory loan servicing had been performed by defendant Gordy;

8. The Hammond Plaintiffs' request for reimbursement of the FSA stipulated attorneys fees, pre-judgment interest, and other attorneys fees is denied without prejudice;

9. The Thompson plaintiffs' renewed motion for default judgment at Docket 187 is denied without prejudice; and

10. The Clerk of the Court is directed to enter default judgments as outlined above.

ENTERED this 3rd day of April, 2009.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE