

ANDY ADAMS, et al.,
Plaintiffs,
vs.
UNITED STATES OF AMERICA,
et al.,
Defendants.

No. CIV S-04-0979-RRB-CMK
ORDER

On February 17, 2009, the Magistrate Judge filed findings and recommendations herein which were served on the parties and 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;

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

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

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

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

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

15 ENTERED this 3rd day of April, 2009.

16 S/RALPH R. BEISTLINE
17 UNITED STATES DISTRICT JUDGE
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