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9 INDUSTRIES, INC., HYNES CHILDREN TF
10 LIMITED and MICHAEL HYNES

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 SACRAMENTO E.D.M., INC., a California
14 corporation; DAN FOLK, an individual,

15 Plaintiffs,

16 v.

17 HYNES AVIATION INDUSTRIES, INC.
18 dba HYNES AVIATION SERVICES, an
19 Oklahoma corporation; HYNES
20 CHILDREN TF LIMITED, a business
21 entity, form unknown; MICHAEL K.
22 HYNES, an individual; and DOES 1
23 through 50, inclusive,

24 Defendants.

25 AND CONSOLIDATED AND
26 CROSS-ACTIONS.

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Case No. 2:13-CV-00288-KJN

AMENDED JUDGMENT

1 A. The Ninth Circuit Court of Appeals issued a Mandate on February 20, 2019, (ECF
2 No. 158) pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure, instructing this
3 Court to:

4 1. Find that Hynes Aviation Industries, Inc. (HAI) was the lessor with respect
5 to certain equipment leases (Leases 1 through 9), reversing this Court's original findings that HAI
6 was a lessee, in violation of the leases' no-assignment clause; and

7 2. Award \$223,000 to SacEDM with regard to the US Banc judgment, rather
8 than the award of \$251,000 set forth in this Court's judgment.

9 B. Based on the findings of fact and conclusions of law contained in the Order of this
10 Court, and judgment thereon (ECF No. 150), as amended to comply with the instructions of the
11 Ninth Circuit Court of Appeals summarized herein and as set forth in the Mandate,

12 IT IS HEREBY ORDERED:

13 1. SacEDM is entitled to \$48,008 in restitution against HAI with regard to the
14 equipment leases.

15 2. SacEDM is entitled to restitution in the amount of \$223,000 from HAI with
16 regard to the parties' dealings concerning the US Banc judgment.

17 3. HAI is entitled to damages against SacEDM of \$73,262 based on
18 SacEDM's default under equipment leases 1 through 20.


19 4. In all other respects besides the amended awards set forth in sections B.1
20 through B. 3 herein, the Order of the Court (ECF No. 150), as affirmed by the Ninth Circuit Court
21 of Appeals, shall be the final Order of the Court, without further modification.

22 5. The Clerk of the Court is directed to enter final judgment in this action in
23 accordance with the above findings of fact, conclusions of law, and amended awards.

24 6. The Clerk of Court is directed to close this case.

25 IT IS SO ORDERED.

26 Dated: March 27, 2019

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE