

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 07-cv-00249-REB-PAC

TAX SERVICES OF AMERICA, INC.,

Plaintiff,

v.

LINDA MITCHELL,
HAMIDOU DIARRA, and
KERRY DYLES,

Defendants.

AMENDED ORDER FOR JUDGMENT¹

Blackburn, J.

This matter is before me *sua sponte*. I previously granted plaintiff's motion for summary judgment against defendants Mitchell and Diarra (**see Order Granting Plaintiff's Motion for Summary Judgment** [#164] filed July 21, 2008), and determined the appropriate amount of damages to which plaintiff is entitled as a result of these defendants' breaches of the various contracts to which they were parties (**see Order Granting Plaintiff's Motions for Entry of Judgment** [#181] filed February 24, 2009). I also granted plaintiff's motion for default judgment against defendant Dyles for dilatory conduct in discovery (**see Order Adopting Recommendation of United States Magistrate Judge** [#162] filed July 14, 2008), and subsequently approved and adopted the magistrate judge's recommendation that Dyles be held jointly and severally liable for damages and attorney's fees in this matter (**see Order Adopting in Part**

¹ This Amended Order for Judgment is entered to include amounts to which plaintiff is entitled, but which were omitted from the original **Order for Judgment** [#182], filed February 24, 2009.

Recommendation of United States Magistrate Judge [#180] filed February 24, 2009).

In addition, I approved and adopted the magistrate judge's recommendations that monetary sanctions be imposed against both Diarra and Dyles for discovery abuses. (**See Order Overruling Objections to and Adopting Recommendation of the United States Magistrate Judge ¶ 5 at 2-3** [#161] filed July 14, 2008; **Order Adopting Recommendation of the United States Magistrate Judge ¶ 4 at 2** [#160] filed July 14, 2008.)

These orders finally resolve all matters currently pending in this case. It, therefore, is now appropriate to direct the entry of final judgment.

THEREFORE, IT IS ORDERED as follows:

1. That judgment **SHALL ENTER** on behalf of plaintiff, Tax Services of America, Inc., and against defendants, Linda Mitchell, Hamidou Diarra, and Kerry Dyles, in accordance with the orders previously set forth in my **Order Granting Plaintiff's Motion for Summary Judgment ¶¶ 2 - 11 at 10-12** [#164] filed July 21, 2008;

2. That plaintiff, Tax Services of America, Inc., is **AWARDED** lost profits and lost investment value damages in the principal amount of \$239,292.00 against defendants Linda Mitchell, Hamidou Diarra, and Kerry Dyles, jointly and severally, in accordance with my **Order Granting Plaintiff's Motion for Summary Judgment** [#164] filed July 21, 2008, **Order Granting Plaintiff's Motions for Entry of Judgment** [#181] filed February 24 2009, and **Order Adopting in Part Recommendation of United States Magistrate Judge** [#180] filed February 24, 2009;

3. That plaintiff, Tax Services of America, Inc., is **AWARDED** attorney fees in the amount of \$348,962.50 against defendants, Linda Mitchell and Kerry Dyles, jointly and severally, in accordance with my **Order Granting Plaintiff's Motion for Summary**

Judgment [#164] filed July 21, 2008, and **Order Adopting in Part Recommendation of United States Magistrate Judge** [#180] filed February 24, 2009;

4. That plaintiff, Tax Services of America, Inc., is **AWARDED** \$31,546.96 in expert witness fees and \$9,758.08 in other costs and expenses against defendant, Linda Mitchell, in accordance with my **Order Granting Plaintiff's Motion for Summary**

Judgment [#164] filed July 21, 2008;


5. That plaintiff, Tax Services of America, Inc., is **AWARDED** \$4,945.00 against defendant, Hamidou Diarra, as a sanction for Diarra's failure to comply with his discovery obligations and with the court's discovery orders, in accordance with my **Order Adopting Recommendation of the United States Magistrate Judge ¶ 4 at 2** [#160] filed July 14, 2008;

6. That plaintiff, Tax Services of America, Inc., is **AWARDED** \$8,382.50 against defendant, Kerry Dyles, as a sanction for Dyles's failure to comply with his discovery obligations and with the court's discovery orders, in accordance with my **Order Overruling Objections to and Adopting Recommendation of the United States Magistrate Judge ¶ 5 at 2-3** [#161] filed July 14, 2008; and

7. That plaintiff is **AWARDED** post-judgment interest from the date of entry of judgment until the judgment is fully paid, pursuant to 28 U.S.C. § 1961.

Dated May 13, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge