

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 08-cv-00855-LTB

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LA PLATA,
COLORADO,

Plaintiff,

v.

BROWN GROUP RETAIL, INC.,
PLUMMER PRECISION OPTICS CO.,
BLUE JAUNTE COMPANY, INC., and
PLUMMER PRECISION OPTICS WESTERN DIVISION, INC.,

Defendants.

ORDER

This Court, having considered Plaintiff, The Board of County Commissioners of the County of La Plata, Colorado's, Motion for Entry of Default and Default Judgment [**Docket # 73**], and being fully advised on the premises, hereby **ORDERS** that the Motion be **GRANTED** and that default judgment be entered against the following Defendants:

Plummer Precision Optics Co., Blue Jaunte Company, Inc., and Plummer Precision Optics Western Division, Inc. (collectively "Plummer Defendants").

This default judgment is subject to a final decree consistent with a final adjudication of the claims against the remaining defendants in this case. As part of the default judgment, the Plummer Defendants have lost standing in this Court for the purposes of this civil action and will not be entitled to service of notices in this action, except for any hearing to ascertain damages as against the Plummer Defendants. The Plummer Defendants may not appear in any other manner, may not introduce evidence, and cannot be heard at trial.

This Court has subject matter jurisdiction over this matter pursuant to 42 U.S.C. § 9613, 42 U.S.C. § 6972, and 28 U.S.C. § 1331, and personal jurisdiction over the Plummer Defendants through valid and sufficient personal service in accordance with the State of Colorado's long arm statute. *See* COLO. REV. STAT. §§ 13-1-124, 13-1-125. The allegations set forth in Plaintiff's Second Amended Complaint [**Docket # 49**] are now accepted as true as against the Plummer Defendants. *See* FED. R. CIV. P. 8(b)(6); *DirectTV v. Hoa Huynh*, 503 F.3d 847, 851 (9th Cir. 2007); *Thomason v. Wooster*, 114 U.S. 104 (1885). No lesser sanction would remedy or adequately address the Plummer Defendants' failure to answer or appear in this matter.

Dated: April 15, 2009.

BY THE COURT:

s/Lewis T. Babcock
Lewis T. Babcock, Judge