

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Zita Leeson Weinshienk

Civil Action No. 10-cv-00101-ZLW-CBS

AUTO-OWNERS INSURANCE COMPANY,

Plaintiff,

v.

HILDRETH CUSTOM BUILDERS, INC., and  
DAVE HILDRETH,

Defendants.

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ORDER

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The matter before the Court is Plaintiff's Motion For Entry Of Default Judgment (Doc. No. 11). The Court finds that Plaintiff served a copy of the Summons and Complaint on Defendants Dave Hildreth and Hildreth Custom Builders, Inc., through its registered agent Dave Hildreth, on March 9, 2010. Defendants did not file a responsive pleading within 20 days, and on March 31, 2010, Plaintiff moved for entry of default against Defendants. On April 2, 2010, the Court Clerk entered default against Defendants. To date, Defendants have filed no responsive pleading, and have not otherwise appeared in this action.

The Court finds that Defendants Hildreth Custom Builders, Inc. and Dave Hildreth have failed to answer, respond, or appear, and therefore the Court will render judgment by default in favor of Plaintiff and against Defendants Hildreth Custom Builders, Inc. and Dave Hildreth. Accordingly, it is

ORDERED that Plaintiff's Motion For Entry Of Default Judgment (Doc. No. 11) is granted. It is

FURTHER ORDERED that Plaintiff is awarded \$114,728.36 in damages, fees, and expenses, which consists of:

(1) \$16,374.61 under the provisions of the Performance Bonds for completion of the work not performed/finalized by Hildreth Custom Builders, Inc. pursuant to the terms of its contract with the bond obligee;

(2) \$91,956.72 under the provisions of the Payment Bonds for payment of unpaid subcontractors;

(3) \$38,394.94 in attorney fees and other legal expenses provided for under the Indemnity Agreement signed by both of the Defendants;

(4) less \$31,997.91 in contract balances recovered by Plaintiff for outstanding work completed on behalf of Defendant Hildreth Custom Builders, Inc. It is

FURTHER ORDERED that a separate Judgment shall issue pursuant to Fed. R. Civ. P. 58. It is

FURTHER ORDERED that Plaintiff is awarded post-judgment interest from the date of entry of Judgment until the Judgment is paid, pursuant to 28 U.S.C. § 1961. It is

FURTHER ORDERED that Plaintiff shall be awarded its costs upon the filing of a bill of costs within ten days after entry of Judgment.

DATED at Denver, Colorado, this 2<sup>nd</sup> day of June, 2010.

BY THE COURT:

A handwritten signature in blue ink that reads "Zita Leeson Weinsienk". The signature is written in a cursive style with a horizontal line underneath the name.

ZITA LEESON WEINSHIENK, Senior Judge  
United States District Court