

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 11-cv-01413-CMA-BNB

SUMMIT HABITATS, INC., a Colorado corporation,
SANFORD M. TREAT III, and
KATHERINE TREAT,

Plaintiffs,

v.

GREGORY C. KAFFKA, and
KAREN S. KAFFKA,

Defendants.

ORDER GRANTING DEFAULT JUDGMENT

This matter is before the Court on Plaintiffs' "Motion to Continue Conferral Deadline or Alternatively Enter Judgment in the Amount the Court Deems Plaintiffs are Entitled To" (Doc. # 23), filed February 8, 2012.¹ The Court, having fully considered the merits of Plaintiffs' Motion, and for good cause shown, FINDS:

1. The Court has personal jurisdiction over all the parties.
2. This Court has jurisdiction over the subject matter of this action.
3. Clerk's Default was entered on August 29, 2011. (Doc. # 15.)

¹ The Court has refused to grant three previous motions for default judgment filed by Plaintiffs. (Doc. ## 17, 20, 22.) In the instant motion, Plaintiffs state that they are abandoning their argument that they are entitled to interest which accrues after the default. (Doc. # 23, ¶ 4.)

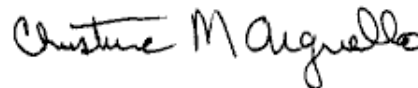
Accordingly, it is ORDERED that Plaintiffs' "Motion to Continue Conferral Deadline or Alternatively Enter Judgment in the Amount the Court Deems Plaintiffs are Entitled To" (Doc. # 23) is GRANTED IN PART and DENIED IN PART as follows:

1. Plaintiffs' Motion to Enter Judgment in the Amount the Court Deems Plaintiffs are Entitled To is GRANTED. Plaintiffs' Motion to Continue Conferral Deadline is DENIED as moot.
2. Default judgment shall enter in favor of Plaintiffs Summit Habitats, Inc., Sanford M. Treat III, and Katherine Treat and against Defendants Gregory C. Kaffka and Karen S. Kaffka in the amount \$590,332 in actual damages plus \$196,777 in liquidated damages, for a total of \$787,109.
3. Interest shall accrue on the total judgment amount of \$787,109 as of the date judgment is entered.

IT IS FURTHER ORDERED that Plaintiffs' Second Amended Motion for Entry of Default Judgment Against Defendant Gregory C. Kaffka and Karen S. Kaffka (Doc. # 21), filed January 20, 2012, is DENIED AS MOOT, and the hearing on said motion set for March 23, 2012 is VACATED.

DATED: February 13, 2012

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge